

ACTS

PASSED AT

The Eleventh Annual Session

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA

BEGUN AND HELD

IN THE

TOWN OF TUSCALOOSA

ON THE THIRD MONDAY IN NOVEMBER,

ONE THOUSAND EIGHT HUNDRED AND TWENTY-NINE

-----

GABRIEL MOORE.

GOVERNOR

LEVIN POWELL,

PRESIDENT OF THE SENATE.

JOHN GAYLE,

SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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TUSCALOOSA:

PRINTED BY M'GUIRE, HENRY AND WALKER.

STATE PRINTERS.

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1830.

LAWS OF ALABAMA.

AN ACT

1830.

To appoint Canal Commissioners for the improvement of the navigation of the Tennessee river, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That a Board of Commissioners shall be elected by joint vote of the present General Assembly, to consist of five persons, to be know and designated as the Board of Tennessee Canal Commissioners, who shall hold their offices for two years and until their successors are elected and qualified, unless superceded by other commissioners elected by the General Assembly; and they shall, before entering upon the duties of their respective offices, take and subscribe oath, before some Judge of the Circuit or County Court, to be filed in the office of the Secretary of State, faithfully to discharge the duties thereof, to the best of their skill and ability: and a majority of said Commissioners shall compose a Board and have authority to act as such, to fill all vacancies which may occur in their body, and the appointment so made, shall continue until the next session of the Legislature, and until their successors are elected, and they shall also have authority to choose one of their own body President of the Board; and the said Board shall assemble at such times and places as to them may seem proper, and may be convened at any time by a call from their President, or any two of their body: and said Board is authorized further to appoint a suitable person as Secretary, and such other agents or servants as they may deem necessary, who shall be allowed and paid such compensation as they shall consider just and reasonable, and said Commissioners shall receive as compensation for their services the sum of four dollars per day for the time which they may be engaged in the discharge of the duties of their office: And the Secretary so appointed shall keep a correct journal and record of the proceedings of the said Board, and the ayes and noes upon the decision of any question shall, upon the request of any member present, be entered upon the journal.

Sec. 2. And be it further enacted, That it shall be the duty of said Commissioners, so soon as the plan of the improvements of the Tennessee river shall have been reported by the engineer or engineers of the United States, and approved by the President, to procure the same; and shall, with as little delay as practicable thereafter, proceed to employ such engineer or engineers, surveyors, draftsmen or other persons as may by them be deemed necessary, and to cause to be made all surveys and examinations, and such plans, drafts and estimates of such improvements to be prepared as may be required, so as to exhibit estimates of the cost of each particular part, together with a minute and accurate description thereof, preparatory to letting the same to contract.

Commissioners to be elected.

Style.  
Term of office.

To take oath.

Quorum.  
Vacancies.

President to  
be chosen.

Place of mee-

Authorized to  
appoint secretary, &c.

Compensation.

Secretary to  
keep record  
of proceedings

Commis'rs to  
employ engineers, surveyors, &c.

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To let out of said Commissioners, after ascertaining as near as practicable the expense of construction of said canals and all other improvements, and ascertaining the cheapest and most durable mode in certain manner of constructing the same, so as to comply with the requisitions of the act of Congress, by making them capable

of steamboat navigation, giving at least ninety days notice thereof, in one newspaper published in Huntsville; in one of the papers published in Tuscaloosa; in one paper published in Nashville, Tennessee; in one other in Cincinnati; in the United States' Telegraph at Washington City, and in such other newspapers as they may think proper, to let out to contract to the lowest responsible bidder to such person or persons as may offer to take the contracts for the execution of any of the requisite works contemplated in this act, but shall not pay unreasonable prices therefor, in such lots, precincts or parts as may in the opinion of said Commissioners best promote and advance the interest of the State, as well as the

Proviso. faithful and speedy execution of the work: Provided said Commissioners shall not pay or contract to pay more than a full and reasonable value according to the estimates for any material part of said work: And provided further, that said

Further proviso. Commissioners shall not be authorized to let to contract, or commence the construction of a greater portion of said improvements at any time, than can be paid for out of the funds which may have been received from the sales of the lands granted to this State for the improvements aforesaid, after deducting the expenses incurred in the selection, valuation and sale thereof: And provided further, that the said commissioners shall commence the improvements aforesaid at the lowest obstructions, and conduct the same in strict conformity with the act of Congress.

Sec. 4. And be it further enacted, That whereas it may be necessary for the making of the said canals, locks, dams, ponds, feeders and other works, that provisions should be made for condemning a quantity of land for the purpose: Be it therefore enacted, that whenever it shall become necessary to sub-

Commissioners authorized to prosecute works such lands and proceed to the execution of such works as may be requisite; and that during the pendency of any proceedings in any suit, in the nature of a writ of ad quod damnum, or any other proceedings, shall not hinder or delay the progress of the work; and it shall be the duty of every court to give precedence to controversies which may arise between the commissioners created by this act, and the proprietors of land sought to be condemned for public use, and to determine them in preference to all other causes.

May agree with owners of land as to its value Sec. 5. And be it further enacted, That it shall and may be lawful for the Commissioners created by virtue of this act, or a majority of them, to agree with the owner or owners of any

land, through which the said canal is intended to pass, for the purchase, use and occupation thereof, and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, or non compos, or out of the State or county, on application to a Justice of the county in which such land shall be, the said Justice of the Peace shall issue his warrant under his hand to the sheriff of the county, to summon a jury of eighteen inhabitants of his county, not related to the parties or in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff upon receiving the said warrant, shall forthwith summons said jury, and when met, shall administer an oath or affirmation to every jury man who shall appear, being not less than twelve in number, that he will faithfully, justly and impartially value the land, and all damages the owner thereof shall sustain by cutting the canal through such land; or the partial or temporary appropriation, use or occupation of such land, according to the best of his skill and judgement; and that in such valuation he will not spare any person for favor or affection, or any person grieve for malice, hatred or ill will. And the inquisition thereupon taken, shall be signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, and unless good cause can be shewn against said inquisition, it shall be affirmed by the court and recorded; but if the said inquisition should be set aside, or if from any cause no inquisition shall be returned to such court within a reasonable time, the said court may at its discretion, as often as may be necessary, direct another inquisition to be taken in the manner prescribed; and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and the quality and their valuation shall be conclusive to all persons, and shall be paid for by said Commissioners to the owner of the land or his legal representative, and on the payment thereof, the said commissioners and their successors in office shall be seized of such land as absolute estate in perpetuity for the State of Alabama. And whenever in the construction of the said canal, or any of the works thereof, locks, dams, ponds, feeders, tunnels, aqueducts, culverts or bridges, or works of any other description whatsoever appurtenant thereto, it shall be necessary to use earth, timber, stone or gravel, or any other material to be found on any of the lands adjacent or near thereto, and the said Commissioners cannot procure the same for the works aforesaid by private contract of the proprietors or owners, the same proceedings in all respects shall be had as in the case before mentioned of the assessment and condemnation of the lands required for the said canal, or the works appurtenant thereto.

Sec. 6. And be it further enacted, That the said Commissioners be, and they are hereby required to prepare a plain and comprehensive report of all their proceedings under and to Legislature

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Or in case of  
feme covert  
&c., and writ  
of ad quod  
damnum.

Sheriff to ad-  
minister oath  
to jury.

Inquisition to  
be returned  
to county  
court, and re-  
corded, or in  
case of failure  
to order ano-

Finding of ju-  
ry conclusive  
and title to  
vest on pay-  
ment of valu-  
ation.

Condemna-  
tion of mate-  
rial as gravel  
&c. in case of  
inability to

Commission-  
ers to report  
to Legislature

----- by virtue of this act, and transmit the same to the Legislature during the first week of the next session, and on the first week of each succeeding session, until the said canal is completed.

Payment for service and labor done about canal how made. Sec .7. And be it further enacted, That payment for work and labor or any service done in and about any of the improvements contemplated by this act, shall be made in the following manner: The person or persons who may have any claim upon said Board, if for work and labor under a contract, shall procure the certificate of the principal engineer in the employment of the Board, that the work has been done according to the contract, or that the same is justly due according to the terms thereof; upon the production of which certificate, the President of the Board or such commissioner as may be appointed by said Board, to superintend such part of the work, shall be authorized to issue his check in favor of the proper person, upon the Cashier of the Bank of the State of Alabama, and which check it shall be the duty of the Receiver of the Land Office at Courtland, to pay out of any monies in his office; and in the event he has no funds in his hands, then it shall be the duty of the Cashier of the Bank to pay the same out of any monies in the Bank arising from the proceeds of the sales of the lands granted to the State for the purposes aforesaid, and the said checks shall be vouchers for the said Receiver of the Land Office or the Bank, as the case may be.

Payment to members of board or officers thereof how made. Sec. 8 And be it further enacted, That payment to any of the Board for their services, or any officer or servant thereof shall be upon an account stated to be approved by the Board and certified to be correct, signed by the party and countersigned by the clerk, and shall be entered upon a book of the Board to be kept for that purpose, when the President may issue his check as aforesaid.

Commissioners to make new contracts in case of failure upon notice given. Sec. 9. And be it further enacted, That said Commissioners shall be authorized to let to contract, any portion of the canal or other improvement contemplated by the provisions of this act which may have been offered and not contracted for, or which having been contracted for, may not have been prosecuted according to the terms of the contract after such notice as they may deem reasonable and proper.

No member of board to be interested in contract, &c. Sec. 10. And be it further enacted, That no commissioner or engineer, who may be in the employment of the Board, shall be a contractor for any part of the work; nor be concerned directly or indirectly, in a contract with any other person or persons who may be a contractor or contractors for any part of said work.

No money to be expended but proceeds of land sold. Sec. 11. And be it further enacted, That every expenditure contemplated or authorized by virtue of the provisions of this act, shall be paid out of the funds arising from the sale of the lands aforesaid.

No tax for completion of canal. Sec. 12. And be it further enacted, That the State of Alabama, or citizens thereof, or their property, shall never be taxed for the constructing, completing or repairing said canal, except such toll for passing the same as may be allowed by Congress.

Approved, January 15, 1830.

To establish a Board of Internal Improvement for the State of Alabama

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That for the purpose of obtaining correct knowledge of the several objects proper for the improvement of the navigable waters of the State, and the public highways thereof, and for the purpose of making a systematic and economical application of th funds appropriated to those object, and for the further purpose of preserving and improving the same, and disbursing such portions of the said fund as the General Assembly may from time to time direct to any object of internal improvement, that the amount of th interest annually arising from the three per cent fund, shall be, and is hereby vested in a body corporate, to be styled the President and Directors of the Board of Internal Improvement, in which name they shall have a common seal and perpetual succession, subject to the limitation hereinafter provided; shall be, capable of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights and privileges of a corporation.

Sec. 2. And be it further enacted, That the Governor of the State for the time being, shall be ex officio President of the Board for Internal Improvement, that the Directors, a majority of whom shall constitute a board for the transaction of any business, shall consist of six Commissioners, one of whom to be chosen from that section of country lying below the junction of the Tombeckbe and Alabama rivers, one from the section of country lying on the Alabama river, below the junction of the Coosa and Tallapoosa rivers, one from that section of country lying on the Tombeckbe river below the junction of the Black Warrior and Tombeckbe rivers, one from that section of country lying upon the waters of the Black Warrior river above its junction with the Tombeckbe river and south of the mountains, one form that section of country lying between the waters of the Coosa and Cahawba rivers, and one from the Tennessee Valley.

Sec. 3. Be it further enacted, That the Directors for the Board of Internal Improvement shall be chosen biennially by joint vote of the two Houses of the General Assembly, and receive such compensation for their services as may be allowed by law, which, until otherwise provided, shall be the same mileage for travelling to and from the places of sitting, and the same pay per diem during the continuance of their session, as is now allowed by law to members of the General Assembly.

Sec. 4. Be it further enacted, That in the absence of the Governor, the Board may elect a President pro tempore from their own body, who shall preside over the deliberations of the Board until the Governor is enabled to attend.

Sec. 5. Be it further enacted, That the President and Directors of the Board shall have power to appoint a principal

Interest of 3  
per cent fund  
vested in a  
body corpo-  
rate.  
Style.

Powers.

Governor ex-  
officio Presd't  
of the Board.

Board to con-  
sist of six  
Commiss'ners

To be chosen  
biennially.

compensation

May elect a  
President pro  
tem.

----- engineer of public works and such assistant engineers or surveyors as in their opinion the public service may require, which said principal engineer shall superintend and direct all public works which the General Assembly shall order, direct, or authorize; and the said Board shall also have power to appoint a secretary to record their proceedings, and the person so appointed shall receive for his services such compensation as the Board may allow, to be paid out of the revenue of the fund for Internal Improvements.

To hold an annual meeting. Sec. 6. Be it further enacted, That the President and Directors of the Board of Internal Improvements shall hold an annual meeting in the town of Tuscaloosa, or at such other place as may be designated by law, to begin on the third Monday of November, and to continue until all the business of the Board be transacted, but the President of the Board may at his pleasure, or shall at the request of any three of the Directors thereof, convene an extra meeting of the Board for the transaction of any urgent business.

Extra meetings may be held. Sec. 7. And be it further enacted, That the President and Board of Directors of the Board for Internal Improvements may, at their annual meetings, enact, alter, or amend, such rules as to them may seem proper for the purposes of regulating the order of their proceedings, that they may adjourn the Board for any period not exceeding six months, or when occasion shall require it, have an extra meeting at any other place than that designated by law, and shall have power to make and establish such bye-laws, rules and regulations for the better ordering the conduct of their officers, agents and servants, as to them may seem expedient: Provided, that the same be not inconsistent with the constitution and laws of this State, or of the United States. They shall have power at any time during the recess of the Legislature to fill any vacancy which may occur in their own body, from death, resignation, removal, inability or any other cause: Provided nevertheless, that such vacancy shall be filled by a citizen of this State, to be selected from that section thereof where such vacancy happened.

May enact bye-laws.

May fill vacancies.

Fund to be deposited in State Bank. Sec. 8. Be it further enacted, That the fund for Internal Improvement, subject to the order of the President and Directors of the Board, shall be deposited in the Bank of the State, and kept distinct and apart from all other funds; it shall be paid out by the Cashier of the Bank to the order of the Board, certified and subscribed by the Secretary and countersigned by the President; that the Cashier shall keep a fair and regular account of all such disbursements, and carefully preserve the certificates upon which the same shall have been made, and shall render an account thereof to the General Assembly at the same time at which he renders his annual account of the proceedings of the Bank; that once in every year the Board of Internal Improvements shall depute a committee of their body to examine the accounts of all disbursements made by order of the Board, during the year next preceding

Board to appoint a committee to examine acc'ts

the annual meeting of the board, and to compare these accounts with the Cashier's books, and the certificates giving authority for the payment of the several sums of money or stock entered therein.

Sec. 9. Be it further enacted, That it shall be the duty of the President and Directors of the Board of Internal Improvement, and they are hereby authorized, to subscribe in behalf of the State, to such public works as the General Assembly may from time to time agree to patronize, such portions of the funds for internal improvements as may be directed by law.

Sec. 10. Be it further enacted, That it shall be the duty of the Board of Internal Improvement, with as little delay as practicable, to proceed to employ such engineer, surveyor, or draftsman, as may by them be deemed necessary, and to cause to be made all surveys, examinations, plans, drafts and estimates of such improvements as may be required, so as to exhibit the estimate of the cost of each particular part, together with a minute and accurate description thereof, which surveys, plans, drafts, examinations and estimates shall be reported to the next General Assembly by the Board of Internal Improvement: Provided, said Board shall not be in session more than thirty days in one year, and that the first attention of said Board shall be directed to the procurement of information as to the practicability of uniting the waters of the Tennessee with those of the Coosa river, together with the necessary estimates of removing the obstructions in the Coosa river.

Sec. 11. Be it further enacted, That it shall be the duty of the Board for Internal Improvement, after ascertaining as nearly as practicable, the expense of constructing such improvements, and ascertaining the cheapest and most durable manner of executing the same, under the express order and direction of the General Assembly, to contract with such person or persons as may offer to take the contracts for the execution of any of the improvements which may be contemplated: Provided, that the said Board shall not pay or contract to pay more than a full and reasonable value, according to the estimates for the said work: Provided also, that the said Board shall give public notice in at least three of the public newspapers of the State, for two month, of such offers to contract for such improvements as shall be required.

Sec. 12. Be it further enacted, That no member of the Board, or engineer, shall be a contractor for any part of the work, nor be concerned directly or indirectly in a contract with any other person or persons who may be a contractor or contractors for any part of the said improvements.

Sec. 13. And be it further enacted, That it shall be the duty of the Board of Internal Improvement to keep a fair and accurate record of all their proceedings, which shall be at all times open to the inspection of the members of the General Assembly, and of the President and Directors, and other officers of any company interested therein; that they shall report to the General Assembly, at or near the commencement of

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Board to subscribe to such public works as the Legislature may direct.  
To employ Engineer and made certain drafts, & report to Gen'l Assembly.

Proviso.

To let contracts.

To give notice of offers.

No member or Engineer shall be a contractor.

To keep a record of all proceedings, which shall be open to inspection  
To report Gen'l Ass'bly



----- every session thereof, the exact state of the fund for internal every thing improvement the progress, condition, and nett income of all connected the public works under their charge; the surveys, plans, and with their estimated expense of such works as they may recommend to trust. the patronage of the General Assembly, together with such other important information as they may have it in their power to collect, in relation to the objects committed to their trust.

All expenses to be paid out the fund for internal improvement. Sec. 14. And be it further enacted, That every expenditure contemplated or authorized by virtue of the provisions of this act, shall be paid out of the fund hereby appropriated, and set apart as a fund for the internal improvement of the State of Alabama.

Gen'l Ass'bly may alter or repeal this act whenever they may deem the interest of the State requires it, act. Sec. 15. And be it further enacted, That the General Assembly of the State of Alabama shall have the power and authority to alter, amend, or repeal this act, or any part thereof.

Approved, January 15, 1830.

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AN ACT

To authorize the Register of the Land Office at Courtland to correct certain errors in the return of the Land Commissioners.

Register to correct errors. Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That whenever it shall be made to appear to the Register of the Land Office at Courtland, from the oath of one or more of the Commissioners, that the particular company to which he or they belonged, have omitted to note any occupant to any tract of land which has been adjudged to him under the law, or by mistake noted an occupant to the wrong tract or improperly described the same in their return, it shall be his duty to make necessary corrections and issue his certificate according to the intent and meaning of the Commissioners.

When two or more are returned as occupants. Sec. 2. And be it further enacted, That when two or more persons are returned as occupants on the same tract of land, it shall be determined by the oath of either of the Commissioners, who valued the land, to which of the persons the particular tract was adjudged, and the Register shall issue his certificate accordingly.

Register authorized to administer oaths. Sec. 3. And be it further enacted, That the Register be and he is hereby authorized, to administer all oath required to be taken by applicants to enter lands in his office, and shall be entitled to receive the same fees as justices of the peace receive for similar services, and also the same fees for taking and certifying acknowledgements of transfer on certificates issuing from his office.

Certain lands to be placed in the third class. Sec. 4. And be it further enacted, That all of said land which were selected by the Commissioners and not classed, because valued by them at less than the minimum price of the lands of the United States, be, and the same are hereby placed in the third class, subject to be purchased by the proper occupants or entered by others at the minimum price of lands under the rules and regulations now prescribed by law for the entry of other lands.

Approved, January 9, 1830.

To suspend the sale of the lands granted to the State of Alabama for the purposes of internal improvement.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Land Office at Courtland, established by act of the last General Assembly of this State, shall be closed until the first day of January next, at which time it shall be again opened and shall continue open for the entry of occupants until the first day of April, unless it is again closed in pursuance of law.

Land office to  
be closed un-  
til the 1st of  
January

Sec. 2. Be it further enacted, That it shall be the duty of the Governor of the State to make known the provisions of this act to the Register and Receiver at Courtland, with as little delay as practicable, and to require the said Register to publish the same in some newspaper printed in the town of Courtland.

Governor to  
give notice to  
Register and  
Receiver.

Approved, November 27, 1829.

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AN ACT

To authorize the State to grant the old State House in the town of Cahawba to the county of Dallas.

1830.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be lawful for the State of Alabama to give to the county of Dallas the old State House in the town of Cahawba, together with the lot of land upon which it stands.

Old State  
house given  
to Dallas.

Sec. 2. And be it further enacted, That it shall be the duty of the Governor forthwith to make out and execute a deed of conveyance for the old State House and lot land on which said House stands in the town of Cahawba, together with the appurtenances thereunto belonging, to the Judge of the County Court of Dallas county and his successors in office, for the use and benefit of said county, and the said deed shall be recorded in the books of the County Court of said county.

Governor  
make deed.

Approved, January 13, 1830.

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AN ACT

To amend an act entitled an act to regulate the licensing of Physicians to practice, and for other purposes therein named. Passed Dec. 23, 1823.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter there shall be but four Boards of Physicians within this State, one at Huntsville, one at Tuscaloosa, one at Selma, and one at Claiborne; to consist of two members in addition to the three already established by law at each of the aforesaid Boards, to be elected in the same manner as prescribed in the act to which this is an amendment.

Medical  
Board.

Sec. 2. And be it further enacted, That in addition to the present fees allowed by law, to the Medical Boards of this State, the further sum of five dollars be allowed them for granting permits during the recess of their regular meetings.

Fees.

Sec. 3. And be it further enacted, That the fund arising from the examination and granting permits, license, & c. to applicants, be appropriated in any manner that a majority of the Medical Board may think proper.

How applied.



1830.

12

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License to practice. Sec. 4. And be it further enacted, That the license or permits bearing the signature or signatures of any one of the Medical boards from which it purports to have been given, shall be a sufficient voucher in any court of justice in this State, to establish the authority of the person to whom the same may have been given.

Med. boards to communi- Sec. 5. And be it further enacted, That it shall be the duty of the Medical Boards to communicate to each other annually, cate with each giving the names of such applicants as may have been licensed other. to practice, which communications shall be respectively addressed to the President of the Medical Board.

Repeal. Sec. 6. And be it further enacted, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed. Approved, January 15, 1830.

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AN ACT

Making an appropriation for the increase of the Supreme Court Library.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

\$500 appropriated. That the sum of five hundred dollars be and the same is hereby appropriated to the Library Company of the Supreme Court, for the increase of said Library, to be paid out of any monies in the Treasury not otherwise appropriated; on the express Condition. condition, that the members of the General Assembly for the time being, and the Executive officers shall be members of the said Library Company, under the same rules and regulation as other members of said Company. Approved, January 14, 1830.

1829.

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AN ACT

Concerning the dismissal of suits at common law.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Suits may be dismissed in vacation. That from and after the passage of this act, it shall and may be lawful for the plaintiff or plaintiffs, in any suit at common law, now pending or hereafter to be commenced, in any court of record in this State, to dismiss his, her, or their suit at any time in vacation on application to the clerk of the Court in which said suit is or may be pending, upon giving the defendant or defendants, his, her, or their attorney six days notice of such application: Provided, that the notice aforesaid shall not be required in suits in which the writ has not been executed.

Proviso. Sec. 2. And be it further enacted, That the clerks of said Courts shall, before dismissing said suit, take a confession of judgements up to the time of said dismissal, and he shall have full power and authority to issue execution therefor in the same manner and under the same regulations as executions are now issued upon judgements rendered by the Circuit and County Courts of this State: Provided, that the costs shall be paid before dismissal in all cases in which the plaintiff or plaintiffs do not reside in this State.

Repeal. Sec. 3. And be it further enacted, That all acts and parts of acts coming within the purview of this act be and the same are

hereby repealed.

Approved, December 29, 1829.

To prevent the evil practice of betting on elections.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That any person or persons who shall hereafter make any bet or wager of money or any other valuable thing upon any election or elections in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, upon indictment or presentment in the Circuit Court of the county in which such offence shall have been committed, shall be fined in a sum not exceeding fifty dollars at the discretion of the jury by whom such offender is tried; which said fine shall be paid into the county treasury and constitute a portion of the county revenue.

Penalty.

Sec. 2. Be it further enacted, That it shall be the duty of the Judges of the Circuit Courts of this State to give this act in charge to the grand jury of each and every county in their respective circuits.

Judges to  
charge grand

Sec. 3. And be it further enacted, That this act shall be in force from and after the first day of June next.

When to take  
effect.

Approved, January 14, 1830.

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AN ACT

Making permanent the act prescribing the duties of sheriffs and returning officers in holding elections, and returning the votes of all persons voting on proposed alterations of the constitution of the State of Alabama, approved, January 6th, 1829.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the act approved January 26th, 1829, entitled "an act prescribing the duties of sheriffs and returning officers in holding elections, and returning the votes of all persons voting on proposed alterations for the constitution of the State of Alabama," shall apply and be in force hereafter in all its directions, responsibilities and conditions to all amendments of the constitution of this State, which have or may be proposed by the Legislature, to the people of this State.

Sec act Jan.  
26, 1826.

Approved, January 14, 1830.

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AN ACT

Supplemental to an act passed the 14th of December, 1827, prescribing the mode of contesting elections.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter when any person being a qualified voter of one proper county or district, shall contest the election of any one who may be declared to be elected as a member to either branch of the General Assembly of this State, it shall be his duty to give the person whose election he disputes, a notice in writing, setting forth the grounds for such contest, which notice shall, by the sheriff, coroner, or some constable of the proper county, be served personally upon the party whose election is contested, or a copy thereof left at his usual place of residence, within thirty days after the day upon which said election shall have been holden.

Notice of  
contest how  
to be served.

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 Notices to take depositions, how served. timony is to be used.

Sec. 2. And be it further enacted, That notices to take depositions by either party, may be served by the sheriff, coroner, or any constable of the proper county, by leaving a copy at the usual place of residence of the party against whom the testimony is to be used.

Penalty on certain officers for betting on election.

Sec. 3. And be it further enacted, That if any sheriff, deputy sheriff, coroner, constable, or other person who may be concerned in holding, conducting or managing any election as officers, judges, clerks, or otherwise, shall wage or bet any money or thing of value upon the event of such election, such person or persons so waging or betting, shall be liable to indictment or presentment in the Circuit Court of the proper county, and upon being thereof convicted, shall be fined in such sum as may be assessed by the jury trying the cause, not less than fifty dollars; and if the person so convicted be a sheriff, coroner, or constable, he shall thereupon be impeached and removed from office.

Returning officer to furnish a list of voters.

Sec. 4. And be it further enacted, That it shall be the duty of the returning officer within ten days after any election, at the request of any person contesting an election, or desirous of contesting the same, to cause a true copy of the list of voters and the number of votes for each candidate to be made out, certified and signed by him and delivered to the person requesting the same, and for which he shall have a right to demand and receive twelve and one half cents for each hundred words contained in said copy, from the person for whom it was made, before he shall be compelled to deliver the same; and any returning officer who fails or refuses to comply with this duty shall, on conviction, be liable to be indicted and fined in such sum as a jury shall assess, not less than five hundred dollars.

Approved, January 15, 1830.

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 AN ACT

Making an appropriation to pay the balance of the amount to which the Commissioners of the State Capitol were authorized by law to contract, and for which there has been no appropriation.

Out of what sum paid.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That on the order of a majority of the Commissioners appointed to contract for the erection of the State Capitol, the Comptroller of public accounts shall issue his warrant on the Treasury of this State for the balance of fifty-five thousand dollars, the amount to which the Commissioners aforesaid were by law authorized to contract that has not heretofore been appropriated, and the aforesaid amount shall be paid out of any monies in the Treasury not otherwise appropriated.

Approved, January 1, 1830.

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 AN ACT

To regulate certain proceedings of County Courts.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened That whenever any last will and testament shall have been, for or during the space of one year, proven and recorded in any

county of this State in the manner the law directs, and such last will and testament shall be required to be proven in any other of the United States, to enable the executors or administrators with the will annexed to comply with its provisions, or some part of the provisions thereof; it shall be the duty of the judge of the County Court in which such will and testament shall be to allow the executor or executors, or administrators, to withdraw the will for the purposes aforesaid.

Approved, January 14, 1830.

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AN ACT

To reduce the price of public lands in the counties of Madison and Morgan to the price of like lands in other counties.

Whereas, an examination into the conduct of the Commissioners appointed to examine, value and select the 400,000 acres of public lands has been made, and upon full and ample proof this General Assembly has become satisfied that the Commissioners have performed their respective duties according to the best of their judgements: And whereas, this General Assembly, from the most abundant proof, is also satisfied that the lands in the counties of Morgan and Madison, have, by the commissioners who valued those counties, been valued at a price so much above their intrinsic value, that they cannot be sold at their present assessed prices, therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Register be, and he is hereby authorized to appoint one Commissioner from each of three of the companies of Commissioners who valued the relinquished lands to assembly and revalue the relinquished land in Madison and Morgan counties, that have been valued above one dollar and twenty-five cents per acre, and place what they esteem the fair and intrinsic value on the same, and return the prices so assessed to the Register of the Land Office at Courtland, and after said return the occupants shall have sixty days allowed to make entries of their occupancies at the prices fixed by said Commissioners.

Sec. 2. And be it further enacted, That said occupants may enter said lands in Madison and Morgan upon the same term-of payment in every respect with the occupants of other counties, and their second instalment shall become due the first day of March, 1831, and each subsequent instalment annually thereafter: Provided, that in all cases of entry made under this act, the person or persons entering the same, shall take the same oath, or make the same affirmation that is required to be taken by occupants by an act passed on the 20th day of January, 1829, entitled an act to authorize the State of Alabama to sell and dispose of certain lands therein named.

Sec. 3. And be it further enacted, That said Commissioners be allowed four dollars per day while employed in the discharge of their duties, Provided, the amount paid to each shall not exceed two hundred dollars.

Sec. 4. And be it further enacted, That the Receiver of the Land Office be, and he is hereby authorized to pay out of any

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Judge of the  
county court  
in certain ca-  
ses to allow  
will to with-  
drawn.

Register to  
appoint three  
commission-  
ers to revalue  
lands in  
Madison and  
Morgan.

Occupants  
Madison and  
Morgan

Commission-  
ers compen-  
sation.



1830.

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monies received in the office aforesaid, the amount due to each of said Commissioners, so soon as they shall have completed said re-examination and valuation, and made due return of the same to said office: Provided, they and each of them shall make out a statement of the sum due, and shall subscribe an oath or affirmation to its correctness.

Approved, January 15, 1830.

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#### AN ACT

To change the times of holding the County Courts of certain counties therein mentioned.

In Clarke. Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the County Courts of Clarke county shall hereafter be holden on the third Mondays in June and December, annually, instead of the times heretofore established by law.

In Pickens. Sec. 2. And be it further enacted, That the County Courts of Pickens county shall hereafter be holden on the first Mondays in June and November, annually.

Process. Sec. 3. And be it further enacted, That all process which may have been issued previous to the time when this act shall take effect, returnable to any term of the County courts, of either of the above counties, as heretofore established by law, shall be deemed and taken in the same manner as if such process had been actually made returnable to the terms provided for by this act.

Commence- Sec. 4. And be it further enacted, That this act shall take ment. effect and be in force from and after the first day of March next, any law to the contrary notwithstanding.

In Blount. Sec. 5. And be it further enacted, That the County Courts of Blount county shall commence their sessions on the third Mondays in February and August, and continue the time now

Process. prescribed by law, and process heretofore issued or which may hereafter issue, and made returnable to the former times of holding the said Courts, shall be returnable to the terms as in this act expressed.

When to take Sec. 6. Be it further enacted, That this act shall be in force effect. and take effect from and after the passage thereof, so far as the county of Blount is concerned, and repeal all laws or parts of laws coming within the purview and meaning thereof.

Approved, January 16, 1830.

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#### AN ACT

To change the time of holding Courts in the first Judicial Circuit.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Spring terms That the spring terms of the Circuit Courts in the first Judi- in Conecuhcial Circuit shall be holden at the times following, to wit:— In

the county of Conecuh on the second Mondays in March in each and every year, and may continue one week; in the

Monroe. county of Monroe on the third Monday in March, and may Clarke. continue two weeks; in the county of Clarke on the first Monday after the fourth Monday in March, and may continue one

Washington. week; in the county of Washington on the second Monday

after the fourth Monday in March, and may continue one week; in the county of Baldwin on the third Monday after the fourth Monday in March, and may continue one week; in the county of Mobile on the fourth Monday after the fourth Monday in March, and may continue till the business before said Court is disposed of.

Sec. 2. And be it further enacted, That the fall terms of the Circuit Courts of the first judicial circuit shall be holden as follows, to wit:— In the county of Washington on the second Monday in October, and may continue one week; in the county of Clarke on the third Monday in October, and may continue one week; in the county of Monroe on the fourth Monday in October, and may continue two weeks; in the county of Conecuh on the second Monday after the fourth Monday in October, and may continue one week; in the county of Baldwin on the third Monday after the fourth Monday in October, and may continue one week; in the county of Mobile on the fourth Monday after the fourth Monday in October, and may continue till the business before said Court be disposed of.

Sec. 3. And be it further enacted, That all process and recognizances of every kind of nature, returned or returnable to the Circuit Courts in the counties above specified, or which may hereafter be issued, shall be returned to the terms of the Courts respectively as provided for in this act.

Sec. 4. And be it further enacted, That all laws and parts of laws contravening this act shall be and the same are hereby repealed.

Approved, January 20, 1830.

#### AN ACT

To change the time of holding the Circuit Courts in the counties of Henry, Dale, Covington, Baldwin and Mobile.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Circuit Courts for the county of Henry instead of being held only three judicial days, shall hereafter be allowed to continue in session six judicial days.

Sec. 2. And be it further enacted, That the Circuit Court of the county of Dale shall commence on the second Monday after the fourth Monday in March and September, and may continue in session three judicial days; and that the Circuit Court of the county of Covington shall commence on the first Thursday after the second Monday after the fourth Monday in March and September, and continue in session until all the business before said Court is disposed of.

Sec. 3. And be it further enacted, That all suits and business of every description, nature of kind, continued to, or returnable to the next terms of said Courts at the times herein established.

Sec. 4. And be it further enacted, That the spring term of the Circuit Court of Baldwin county shall hereafter be holden on the fourth Monday after the fourth Monday in February, in

-----  
Baldwin

Mobile.

Fall terms in  
Washington.

Clarke.  
Monroe.

Conecuh.

Baldwin.

Mobile.

Process when  
returnable

Term of Hen-  
ry cir. court  
extended.  
Dale.

Covington.

Process.

Spring term  
of Baldwin.

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each year, and may continue its session one week: that the  
Fall term. fall term of said Circuit Court shall hereafter be holden on  
the third Monday after the fourth Monday in October, in each  
year, and may continue its session one week; that the spring  
Spring term term of the Circuit Court of Mobile county shall hereafter  
of Mobile. be holden on the fifth Monday after the fourth Monday in Feb-  
ruary, in each year, and may continue its session until all the  
Fall term. business of said Court shall hereafter be holden on the fourth  
Monday after the fourth Monday in October, in each year, and  
may continue its session until all the business of the said Court  
be disposed of; any law to the contrary thereof in any wise  
notwithstanding. Approved, January 16, 1830.

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AN ACT

To extend the powers of the County and Orphans Court in certain cases,  
and for other purposes.

Section 1. Be it enacted by the Senate and House of Represen-  
tatives of the State of Alabama in General Assembly convened,  
Decrees on That from and after the passage of this act, all decrees made by  
ac'ts of ex'rs the Orphans Court on final settlements on the account of exe-  
and adm'rs to cutors, administrators and guardians shall have the force and  
have the force effect of judgements at law, and executions may issue thereon,  
of judgments for the collection of the several distributive amounts against  
such executor, administrator or guardian.

Distributee Sec. 2. And be it further enacted, That when distribution of  
heir or devise real or personal estate is decreed by the said Court, that each  
may take out distributee, heir or devisee, may and shall have his or her writ  
of writs of exe- of execution or attachment, one or both, in the case of personal  
cution. estate; and in the case of real estate or writ of habere facias pos-  
sessionem, against the executor, administrator or guardian; and  
the sheriff to who such writ shall be directed shall execute the  
same according to the commands thereof.

County co'rts Sec. 3. And be it further enacted, That the County and Or-  
may issue phans Courts respectively, shall have full power and authority  
writs of at- to issue writs of attachment, or other writs necessary to enforce  
tachment. their orders, judgements and decrees.

Approved, January 16, 1830.

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AN ACT

To give the Circuit Courts of this State power to render judgements final  
against the security in writs of error bond.

Section 1. Be it enacted by the Senate and House of Repre-  
sentatives of the State of Alabama in General Assembly convened,  
Circuit courts That the same power and authority as is now vested in the  
may render Supreme Court of this State to render judgment final against  
judg'ts final the security in bonds for the prosecution of appeals or writs of  
againts secu- error to said Court, be and the same is hereby vested in the  
rites in writs Circuit Courts of this State upon all bonds for the prosecution  
of error bond. of appeals or writs of error from the County Courts of the State  
to the said Circuit Courts.

Repeal. Sec. 2. And be it further enacted, That all acts or parts of  
act contrary to the true meaning and intent of this act, be, and  
the same are hereby repealed. Approved, January 9, 1830.

## AN ACT

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To authorize the court of this State to render final judgement against the security of non residents for costs.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all bonds hereafter made by non-resident plaintiffs for the prosecution of suits in the County or Circuit Courts, and to secure the costs of such suits, and all bonds given by non-resident defendants for the forthcoming of property attached, it shall be lawful for such Courts, at the time of rendering final judgement in the cause, to render judgement against the security of such non-residents for the costs adjudged, or for the costs and value of the property replevied.

Courts may  
render final  
judgement a-  
gainst securi-  
ties of nonre-  
sidents.

Sec. 2. And be it further enacted, That when judgment shall be given against any non resident defendant and his or her security on any bond for the forthcoming of property attached, as contemplated in the first section of this act, it shall be lawful for the Court trying the cause to direct a jury to be empanelled to assess the value of the property so replevied together with the damages that may have accrued.

When judge-  
ment is given  
against non-  
residents for  
forthcoming  
of property,  
jury to assess  
value of pro-  
perty.  
Repeal.

Sec. 3. And be it further enacted, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, January 9, 1830.

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AN ACT

To alter the time of holding the County Courts in the counties of Marion and Dallas.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter the County Courts for the trial of cases in and for the county of Marion shall commence and be holden on the fourth Mondays of May and November in each and every year and may continue in session six judicial days, and that the County Courts of the county of Dallas shall be hereafter be holden on the fourth Mondays in June and December, in each and every year, in lieu of the times now prescribed by law.

Marion co-ty  
court when  
held.

Dallas.

Sec. 2. And be it further enacted, That all matters and things properly cognizable in said Courts that now are or may hereafter be pending therein, shall be tried and determined at the times as established by this act, and all writs and other process heretofore issued and made returnable to the County Court of the county of Marion on the third Monday in February next, shall be, and the same are hereby made returnable to said County Court on the fourth Monday in May next: Provided, that none of the provisions of the foregoing sections of this act, shall, so far as they relate to the county of Dallas, take effect or be in force until after the first day of February next.

Process when  
returnable.

Proviso.

Approved, January 16, 1830.

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AN ACT

To alter the times of holding the county courts of Jefferson county.

1829.

Section 1. Be it enacted by the Senate and House or Representatives of the State of Alabama in General Assembly convened, That hereafter the County Courts of Jefferson county shall be held.

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Jefferson co.  
court when



1830.

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holden on the fourth Mondays in February and August in each and every year, and shall continue in session for six days, if the business of the Court should require it.

When to take effect. Sec. 2. Be it further enacted, That this act shall take effect and be in force from and after the first day of March next.

Approved, December 17, 1829.

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#### AN ACT

To alter the times of holding the Circuit Courts of certain counties therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Circuit Courts of the county of Franklin shall hereafter commence on the second Monday in February and August in each and every year, and continue in session for the term of two weeks; for the county of Marion on the fourth Monday in February and August, and hold one week; in the county of Pickens on the first Monday after the fourth Monday in February and August, and continue in session one week; for the county of Fayette, on the second Monday after the fourth Monday in February and August, and hold one week; in the county of Walker on the third Monday after the fourth Monday in February and August, and hold one week; in the county of Blount on the fourth Monday after the fourth Monday in February and August, and hold one week.

Sec. 2. And be it further enacted, That the Circuit Courts of the county of Greene shall hereafter commence on the third Monday in March and September, and hold two weeks; in the county of Tuscaloosa on the first Monday after the fourth Monday in March and September, and hold three weeks; in the county of Jefferson on the fourth Monday after the fourth Monday in March and September and hold one week; in the county of Shelby on the fifth Monday after the fourth Monday in March and September, and hold one week; and in the county of St. Clair on the sixth Monday after the fourth Monday in March and September, and hold one week.

Process when returnable. Sec. 3. And be it further enacted, That all writs and other process which have been issued or may hereafter be issued returnable to the Circuit Courts of said counties as heretofore established by law, shall be deemed in law returnable to said court as herein above established.

Approved, January 16, 1830.

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#### AN ACT

Repealing in part an act passed at the annual session of the General Assembly for the year eighteen hundred and twenty-nine, changing and designating the time of holding the Circuit Courts in the seventy and third Judicial Circuits, for the State of Alabama.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of an act as relates to the time of Holding the Circuit Courts of the seventh Judicial Circuit, passed at the annual session of the legislature for eighteen hundred and twenty-nine, be, and the same is hereby repealed, and that when held hereafter the said Circuit Courts shall be held as follows, to



wit: The Circuit Court of Franklin county shall commence on the third Mondays in February and August, and may sit two weeks; the Circuit Courts of Marion county shall commence on the second Monday after the third Monday in February and August, and may sit one week; the Circuit Court of Pickens county shall commence on the third Monday after the third Monday in February and August and may sit one week; the Circuit Court of Fayette county shall commence on the fourth Monday after the third Monday in February and August, and may sit one week; the Circuit Court of Walker county shall commence on the fifth Monday after the third Monday in February and August, and may sit one week; the Circuit Court for the county of Blount shall commence on the sixth Monday after the third Monday in February and August, and may sit one week: and all writs, subpoenas, and other process which is now or may hereafter be made returnable to any of said Courts, shall be considered and held as if made returnable to the time provided by law for holding said courts in this act.

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Marion.

Pickens.

Fayette

Walker.

Blount.

Process when  
returnable.

Approved, January 20, 1830.

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AN ACT

To amend an act to authorize the building of a jail in Morgan county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the judge of the County Court and commissioners of revenue and roads of Morgan county, or their successors in office, may levy tax be, and they are hereby authorized (if it shall be thought necessary,) for the completion of said jail, (after the year one thousand eight hundred and thirty) to levy and collect a special county tax, not exceeding fifty per cent on the state tax, and to continue the same from year to year until the fund arising thereby shall be sufficient to defray all the expenses incurred in building said jail.

Sec. 2. And be it further enacted, That the judge and commissioners aforesaid be, and they are hereby, authorized to loan at interest any money that is or may hereafter be in the hands of the county treasurer or taxcollector of said county, levied for the purpose of building a jail in the said county of Morgan: Provided, the person to whom said money is loaned, with two good and sufficient securities, each worth double the sum loaned, shall before the judge of said county court confess judgement for the amount loaned and interest thereon, with a stay of execution for such time as may be agreed upon: Provided also, such stay shall not be for a longer time than twelve months

County Court  
authorized to  
loan a certain

Proviso.

Approved, January 13, 1830.

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AN ACT

To regulate the interchange of the Circuit Judges.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in future it shall be the duty of the Circuit Judges to so alternate that no Judge shall preside in the same circuit oftener than one term in three, except that they may hold special courts as heretofore required by law.

Approved, January 15, 1830.



## AN ACT

Amendatory of the laws of this State on the subject of confining prisoners committed upon process from the Courts of the United States.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Jailer not compelled to receive prisoners from U. S. Court unless the jail be good. That hereafter the keepers of the common jails in the several counties of this State shall not be compelled to receive any prisoner committed upon process from the courts of the United States, unless at the time of such commitment there be a good and sufficient jail in the county in which such prisoner may be confined; but if there be a good and sufficient jail, then the keeper of any such jail is hereby required to receive such prisoner under the like pains and penalties for neglect of duty as they now are by the law in the case of prisoners committed under the authority of the State.

Marshal to be responsible for jail fees on commitment at suit of U.S. Sec. 2. And be it further enacted, That when any prisoner shall be so committed at the suit of the United States, the marshal making such commitment shall become individually responsible to the jailer for all prison fees, as well as for the fifty cents per month for each prisoner agreeably to a resolution of the Congress of the United States of the twenty-third September, seventeen hundred eighty-nine.

Debtors committed upon process from U.S. Courts how to be discharged. Sec. 3. And be it further enacted, That when debtors on judgements in civil causes obtained in courts of the United States, shall be committed to any of the jails of this State by process of execution, unless the plaintiff in such execution shall comply with the existing laws of this State at the time such debtor may be discharged from prison, in the same manner as though such debtor had been confined under process issuing from the Courts of this State.

Repeal. Sec. 4. And be it further enacted, That all laws and parts of laws contravening any of the provisions herein contained, be, and the same are hereby repealed.

In case of commitment by plaintiffs other than U. S. Marshall to secure fees. Sec. 5. And be it further enacted, That the several sheriffs of the several counties in this State in which there may be sufficient jails for the safe keeping of prisoners shall not be bound to receive from the marshal for the district of Alabama, any prisoner on process from the District Courts of the United States, in civil suits when the United States shall not be plaintiff unless the marshal shall secure such sheriff for the amount of prison fees.

Approved, January 7, 1830.

## AN ACT

For the relief of securities in Bank.

Security's remedy against principal. Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter if any person or persons whom may have executed any note or notes payable to the President and Directors of the Bank of the State of Alabama as security or securities shall pay the same after it shall have been protested for non-payment, such security or securities shall have the same summary remedy against the principal in such note as is now provided by law in favor of said Bank for the recovery of any sum or sums so

paid by such security or securities and costs of protest; and the certificate of the President of said Bank, of the payment so made by such security or securities, shall be sufficient evidence of such payment.

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President's  
certificate ev-

Sec. 2. And be it further enacted, That hereafter if any person or persons who may be bound for the payment of any bill of exchange, the property of the Bank of the State of Alabama, shall pay the same after it shall have been protested for non-payment, the person or persons so paying such bill, shall have the same summary remedy against the drawer, acceptor or any previous endorser of such bill or any one of them, as is provided by the first section of this act in favor of the securities of notes against their principals, for the sum paid on such bill and all costs and damages occasioned by protest, and the certificate of the President of said Bank, of the payment of any such bill by any such person or persons, shall be sufficient evidence of such payment.

Remedy  
against draw-  
er &c.

Sec. 3. And be it further enacted, That the remedy by this act provided, shall be had in any Court having competent jurisdiction, either in the county where the said Bank may be located, or in the county of the residence of the defendant or defendants or either of them.

Remedy  
where had.

Approved, January 19, 1830.

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AN ACT

To authorize certain persons to practice law in this State.

Whereas, the Governor and Legislative Council of the Territory of Florida have, by their act, authorized counsellors and attornies at law residing within this State to practice law in the Courts of that Territory under certain restrictions:

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That any counsellor or attorney at law residing within the Territory of Florida, be, and he is hereby authorized to practice law in the several Courts of this State, upon producing to the Court in which he may be desirous to practice the certificate of some Judge of a Superior Court of Florida, that he is legally authorized to practice in the Courts of that Territory as counsellor or attorney, and that he sustains a fair and reputable character as such: Provided, he shall take and subscribe the several oaths prescribed by the laws of this State to be taken and subscribed by the counsellors and attornies residing within this State.

Attornies in  
Florida au-  
thorized to  
practice in  
this State up-  
on certain

Approved, January 13, 1830.

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AN ACT

To change the mode of compensating jurors in the county of Pike.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That an act entitled an act to provide for the payment of petit jurors in the counties therein named, and for other purposes, approved December twenty-fifth, eighteen hundred and twenty-four, so far as the same relates to the county of Pike, be, and the same is hereby repealed.

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Juror in  
Pike.

Sec. 2. And be it further enacted, That the laws repealed by the passage of said act, be, and the same are hereby re-enacted, so far as related to said county. Approved, December 29, 1829.

## AN ACT

To authorize the Court of Revenue and Roads for Madison county to make an appropriation for the support of Isham Burk, a pauper of Madison county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Court of Revenue and Roads for the county of Madison, be and they are hereby authorized to make such an allowance for the support of Isham Burk, a pauper in the county of Madison as they may think proper and right, and that they may authorize some person to take charge of, and support the said Isham Burk, any law to the contrary notwithstanding.

Sec. 2. And be it further enacted, That this act shall be in force from and after the passage thereof. Approved, January 13, 1830.

## AN ACT

To authorize the County Courts of Butler, Pickens, Shelby and Autauga counties to cause certain records therein named to be transcribed.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Judge of the County Court and the Commissioners of roads and revenue for said counties be, an they are hereby authorized to employ some suitable person to transcribe, in a fair legible hand into well bound books to be purchased by said Court, the whole record remaining in said counties in relation to the estates of deceased persons and orphans business of every

discription, including bonds; for which service the person so employed as aforesaid, shall be entitled to receive a reasonable compensation, to be paid out of the county treasury by order of said court: Provided, that no person shall be employed to make a record of any matter transacted since the first Monday in August last.

Sec. 2. Be it further enacted, That the person so employed as aforesaid, shall take and subscribe an oath faithfully to discharge his duty, according to law and it shall be his duty to make a fair and correct index to the whole record.

Sec. 3. And be it further enacted, That it shall be the duty of the Judges of the County Courts and Commissioners aforesaid, at least once a year, to inspect the records of the Orphans' Court, and should it appear to them that the clerk has failed or neglected to record the proceeding of said Orphans' Court agreeably to law, it shall be their duty to impose a fine on such clerk of twenty dollars in addition to all other fines and penalties imposed by law. Approved, January 20, 1830.

## AN ACT

To regulated the county tax of Franklin county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, the county tax of the county of Franklin shall not exceed one half of the amount one half of of the State tax.

Sec. 2. And be it further enacted, That all acts and parts of acts contravening the provisions of this act shall be and the same are hereby repealed. Approved, January 15, 1830.



To establish the County of Lowndes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all that tract of country included within the following limits, to wit: begining at the Alabama river where the range line between ranges twelve and thirteen crosses the same the second time; thence southwardly to the road leading from Cahawba to Montgomery, one mile below Peter Robertson's store; thence along said road as it now runs, to where the same crosses Old Town creek near the plantation of James Maul; thence up the main channel of said creek to where the main branch thereof crosses the Township line between fourteen and fifteen; thence west along said line till it strikes the range line between townships eleven and twelve and thirteen; thence east along said township line to the centre of the twelfth township and twelfth; thence south to the centre of the township line between eleven and twelve; thence east to the range line between ranges fifteen and sixteen; thence a direct line to where the range line, between ranges sixteen and seventeen, crosses the township line between townships ten and eleven; thence east to the range line between range eighteen and nineteen; thence north along said line to where the same crosses the township line between township eleven and twelve; thence west to where said township line crosses the range line between ranges seventeen and eighteen; thence north to where range line crosses the township line between townships twelve and thirteen; thence west to where said line crosses the range lint between ranges sixteen and seventeen; thence north to where said range line crosses Pintlala creek; thence down said creek to the Alabama river; thence across said river and down the western bank of the same, opposite the place of beginning, shall constitute and form one county, to be called and know by the name of Lowndes.

Boundary of  
Lowndes.

Sec. 2. And be it further enacted, That all officers, civil and military, who shall fall within the county of Lowndes, shall remain and continue in the discharge of their respective duties during the time for which they were elected.

Officers con-  
tinued.

Sec. 3. And be it further enacted, That all that part of Wilcox county that was added to Clarke the last session of the Legislature, be and the same is hereby added to and shall form a part of Wilcox county.

Part of Clarke  
added to Wil-  
cox.

Approved, January 20, 1830.

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AN ACT

To organize the county of Lowndes, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened That it shall be the duty of the sheriff of Montgomery county to hold and election in the county of Lowndes on the first Monday in March next, for the election of four commissioners of roads and revenue of said county; a sheriff of said county ;

Sh'ff of Mont-  
gomery to  
hold election  
in Lowndes  
1st Monday of  
March for cer-

D

tain officers.

1830.

26

----- and a clerk of the circuit and county courts of the said county, Certain elec- who when elected shall hold their offices in the manner now tion precincts prescribed by law; and the several election precincts hereto- continued. fore established, which fall within the county of Lowndes, are hereby continued.

Judge of the Sec. 2. And be it further enacted, That it shall be the duty co. court and of the judge of the county court of said county, in conjunc- clerks to or- tion with the sheriff and clerk of the circuit court of said coun- der election ty, as soon as the whole shall have been elected and qualified for a perma- to direct and order an election to be held for a permanent seat of justice. seat of justice for said county, at which election all the quali- justice. fied electors of said county shall be entitled to vote, and the Who to vote. place receiving the highest number of votes shall be, and is Majority to hereby established as the permanent seat of justice: Provided, select site. that the seat of justice shall be at Fisher's store until a per- Proviso. manent site be selected.

Marengo at- Sec. 3. And be it further enacted, That the county of Ma- tached to 3rd rengo be, and it is hereby attached to the third judicial circuit, judicial cir. and the circuit court shall be therein held on the second Mon- Circuit courts days in March and September, and may continue in session six when held. judicial days, and all writs and other process heretofore issued, Process when shall be returnable at the said court.

returnable. Sec. 4. And be it further enacted, That the county of Lowndes at- Lowndes be, and the same is hereby attached to the second tached to 2nd circuit, and the circuit court shall be held therein on the third circuit. Mondays after the fourth Mondays in April and the sixth Mon- Circuit courts days after the fourth Mondays in September, and may continue when held in session until all the business is disposed of.

Compensa- Sec. 5. And be it further enacted, That the sheriff of Mont- Montgomery shall be entitled to receive the sum of twenty- tion to sh'ff five dollars for holding the election in the said county of Montgomery. Lowndes, to be paid out of the county treasury of Montgomery county.

Fall terms of Sec. 6. And be it further enacted, That the fall term of the county court county court of Marengo county, for the trial of civil causes, of Marengo. shall be holden on the second Monday in August in each and every year, instead of the first Monday in September, as pro- provided for in an act passed at the last session of the General Assembly, passed the twenty-ninth of January, eighteen hun- Lowndes dred and twenty-nine, and the county courts of Lowndes county court county shall be held on the third Mondays in May and when held. November. Approved, January 20, 1830.

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1829.

AN ACT

----- Making an appropriation for the payment of the Members and Officers of the present General Assembly.

\$30,000 ap- Section 1. Be it enacted by the Senate and House of Repre- propriated. That the sum of thirty thousand dollars be, and the same is sentatives of the State of Alabama in General Assembly convened, hereby appropriated for the payment of the members of the present General Assembly, and the officers of the two Houses, out of any money in the State Treasury not otherwise appro- priated. Approved, December 23, 1829.



## AN ACT

To authorize the inhabitants of township two, range one, east, in Madison county, to hold an election for the purpose of ascertaining the wishes of said inhabitants in regard to selling the sixteenth section therein.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That an act approved January the fifteenth, one thousand eight hundred and twenty-eight, entitled an act to authorise the sales of the sixteenth sections, and for other purposes, be, and the same is hereby revived and continued in full force until the first day of January eighteen hundred and thirty-one, so far as the same relates to the sixteenth section, of township two, range, one east, in the county of Madison, and the sixteenth section of township nineteen, range two, east, in Shelby county: Provided, however, that the school commissioners shall not be required to pay into the Bank of the State of Alabama any monies they may now have, or that they may hereafter receive, belonging to said section, but shall be authorized to expend the same for the expenses of surveying and selling the said section, should the inhabitants determine on a sale: And provided further, that this act shall not extend to any rents hereafter to be made.

Sec. 2. And be it further enacted, That the provisions of the said act be also revived and continued in force for the time aforesaid, so far as relates to the sixteenth section of township thirteen, range nine, east, in the county of Wilcox.

Approved, January 15, 1830.

## AN ACT

To discontinue and establish certain election precincts therein specified.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the election precincts heretofore established by law at the places following, to wit: At Michael Carter's in the county of Covington; at James A. M'Elroy's and at Marrs' in the county of Dallas; at William Adams' on Turkey creek, and at the house of Jonathan Massey in Jefferson; at Asa Arrington's in the county of Butler; at Stephen Day's in the county of Wilcox; at Daniel Lewis' and William Carter's in the county of Pike; at John Easter's in the county of Blount; at Walter Chiles' in the county of Marengo; at Jacob M'Ghee's in the county of Lauderdale; at Jacob Page's on Spring Hill; at Fort Stoddart, and Jesse Lott's in the county of Mobile; at Langham's place, and at Robert Bowling's in the county of Washington; and at Thomas Gos- and at John Hill's in the county of Bibb; be and the same are hereby abolished and discontinued.

Sec. 2. And be it further enacted, That election precinct be and the same are hereby established at the places following, to wit: One at the store of Thomas Howell; one at the store of Thomas Guy; one at Tarver's mills; and one at the store of Messrs Hie and Pence, in the county of Dallas;

Act 15th  
1828, author-  
ising sales  
16th sec. re-  
vived, as far  
as it relates  
to certain sec-  
tions.

Further pro-  
viso.

Section in  
Wilcox.

Precincts a-  
bolished in  
Covington.  
Dallas  
Jefferson  
Butler  
Wilcox  
Pike  
Marengo  
Lauderdale

Mobile  
Washington  
Bibb

Precincts es-  
tablished in  
Dallas



1830.

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Pike

Covington

Dale

Jefferson

Butler

Wilcox

Marengo

Blount

Lauderdale

Mobile

Washington

Pickens

Montgomery

Monroe

Fayette

Tuscaloosa

Lawrence

Bibb

Greene

one at the house of William Blackshear, one at the house of Moses Baldwin, one at the house of William S. Edwards, and one at each captain's muster ground, in the county of Pike; one at the house of James Hall on Yellow river, and one at the house of David Dazer, in the county of Covington; one at each captain's muster ground in the county of Dale; one at the house of Green Powells on Turkey creek in the county of Jefferson; one at the house of Matthias Jones on the ridge in the county of Butler; one at the store house of Dr. Abija Miller on Wolf creek, and one at the house of Frederick Carns in the county of Wilcox; on at the house of Martha Johnston in the county of Marengo; one at the house of William Jourdon in the county of Blount; one at John H. Cornish's spring in the county of Lauderdale; one at the house of Jacob G. Collins on Spring Hill, and one at Mount Vernon in the county of Mobil; one at the house of Hiram Mongers in the county of Washington; one at the house of Nathan Myers in the county of Pickens; one at the house of Joseph Fealds in the county of Montgomery; one at Moore's store near Bell's landing in the county of Monroe; one at the house of William Hickman, Esq. in the county of Fayette one at the house of Dempsey Bonner, and at Samuel D. Read's on Crabb's road, in the county of Tuscaloosa; one at the house of Samuel Elliott in the county of Lawrence; and one at the house of Ezekiel Miller, and at Evan Caffear in the county of Bibb; one at the house of William Warrens in the county of Greene. Approved, January 20, 1830.

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AN ACT

Further to provide for the location of the seat of justice in Pickens county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

That Charles M. Holland, Robert Jemeison, Morris Hendon,

Commission- George J. Ragsdale, and William Wilson be, and the same are  
ers appointed hereby appointed commissioners to select the most suitable  
to locate seat site for a seat of justice, within three miles of the centre of  
of justice Pickens county, taking into consideration all that part of the  
State of Alabama now occupied by the Choctaw tribe of  
Indians, north of a line drawn due west from the junction of  
the Sipsey and Tombeckbe rivers, to the State line of Mis-  
sissippi, together with the limits of Pickens county at the  
time they shall act on that subject.

To ascertain Sec. 2. And be it further enacted, That the said commis-  
the centre of sioners or a majority of them, (they being first duly sworn,)  
the county & shall within two months after the passage of this act, toge-  
locate seat of ther with the county surveyor of said county, if they should  
justice within require his services, proceed to ascertain the centre ; and  
3 miles of it. within two weeks after the same shall be ascertained, shall  
select and locate the seat of justice at the most eligible site  
within said distance, having a due regard to the permanent  
interest of the county, and without regard to the liberality of  
any person who may live at or near a place presenting some

claims to be selected, and shall cause the place by them selected to be laid off into town lots of convenient size, and advertise in some newspaper published in Tuscaloosa the time, (not exceeding thirty days,) when said lots will be sold, and the contracts let out for the building of a substantial jail, and a brick court house.

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To sell lots &  
build court  
house & jail.

Sec. 3. And be it further enacted, That it shall be the duty of the said commissioners to certify to the commissioners of roads and revenue of said county, at their first Court after the sale of said lots, what sum of money it will be necessary to raise by taxation, in addition to the proceeds of said slae, for the purpose of completing the public buildings, and it shall be the duty of the Court to cause said sum of money to be placed at the disposal of the court house commissioners, for the purpose aforesaid, by causing the same to be levied by a tax on persons and property, and to be collected in the same manner that the state and county taxes are now collected, on the collector giving bond and security in the sum of five thousand dollars, for the due collection thereof, payable to other Governor of the State of Alabama and his successors in office.

Taxes may  
be levied to  
complete  
buildings.

Collector to  
give bond.

Sec. 4. And be it further enacted, That a majority of said commissioners shall have all the powers which are not in violation of the provisions of this act, relative to the seat which may be by them selected, as were heretofore possessed by the commissioners who selected the present seat of justice of said county, and shall be subject to the same duties and restrictions, and moreover, shall render a full account of all their proceedings to the court of revenue and roads, whenever said court shall require them to do so.

Powers of the  
commission-  
ers.

Sec. 5. And be it further enacted, That it shall be the duty of the commissioners so soon as the public building shall be sufficiently completed for the reception of the Courts, to certify such fact to the clerks of the Circuit and County Courts, and it shall be the duty of said officers to remove their offices to the new seat of justice within thirty days after the receipt of such certificate, and their Courts shall be thereafter held at that place: Provided, however, that the commissioners shall provide temporary buildings for holding the Courts, if they should be of the opinion that more than two terms of the Circuit Court would intervene after the sale of the lots before the new court house would be ready to be occupied: in which event they shall make a similar certificate to the clerks of the Courts, who shall be governed accordingly, and the respective Courts shall be held in such temporary buildings until the permanent court house shall be fit for their reception.

Clerks to re-  
move their  
offices.  
Proviso.

Sec. 6. And be it further enacted, That the court house commissioners shall have power to make any contract they may deem reasonable with the owner of the land which may be selected by them for the seat of justice; and if a reasonable contract cannot be made, they shall nevertheless pro-

Commission-  
ers may con-  
tract for land  
for seat of  
justice.

1830. 30

----- proceed to dispose of the same according to the provisions of this act, and the owner shall recover of the county damages for the injury he may sustain, in an action ad quod damnum in the Circuit Court.

Penalty. Sec. 7. And be it further enacted, That if a majority of said commissioners shall neglect or refuse to comply with the provisions of this act, each individual so neglecting or refusing shall forfeit and pay the sum of two hundred dollars, to be recovered in an action of debt at the suit of the clerk of the County Court, whose duty it shall be to sue for the same, for the use of the county.

Vacancies how filled. Sec. 8. And be it further enacted, That if any or all of said commissioners shall die, resign, remove or refuse to act, it shall be the duty of the court of revenue and roads to fill such vacancy at the first court after such vacancy may become known to them: and it shall also be the duty of said Court, to allow said commissioners and county surveyor, and Compensation. all other persons employed by them, such compensation, and at such time, as said Court may deem reasonable, to be paid out of the proceeds of the sale of the lots, or out of any money in the county treasury not otherwise appropriated.

Repeal. Sec. 9. And be it further enacted, That all acts or parts of acts contravening or conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, January, 13, 1830.

AN ACT

----- To increase the pay and the more effectually to provide for the payment of

1829. jurors for the county of Montgomery.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all persons who shall hereafter serve as jurors of the original panel of the Circuit and County Courts for the county of Montgomery, shall be allowed and paid one dollar and twenty-five cents for each day they shall serve, in addition to the mileage and ferriage heretofore allowed by law.

Pay of jurors of the original panel in Montgomery county. Sec. 2. And be it further enacted, by the authority aforesaid, That all tales jurors who shall serve in either of the said Courts, shall be paid the sum of twenty-five cents for each suit they shall decide, to be paid by the party succeeding, and the sum so paid shall be taxed by the clerk of the Court in the bill of costs.

Tales jurors. Sec. 3. And be it further enacted, by the authority aforesaid, That it shall be the duty of the treasurer of the said county to retain in his hands a sufficient sum out of the county tax of the said county, to pay all the jurors which are by law required to be summoned for the said Courts, and to attend on the Saturday of each week that the same shall set, and pay the certificates which shall be given by the clerks of the said Courts to the jurors of the same.

Treasurer's duty. Sec. 4. And be it further enacted, That so much of the second section of this act as relates to the payment of tales jurors, be in full force and apply to the county of Marion.

Approved, December 19, 1829.

## AN ACT

More effectually to prevent the circulation of what are termed "change bills or tickets."

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That if any person or persons, partnership or association of individuals, shall sign, seal, or make any promissory note, bill or exchange, either foreign or domestic, or order drawn upon any person or persons, bill single or penal, for a less sum than three dollars, and issue or put forth the same as a change bill, or to make it subserve the common purposes of money, he, she, or they so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, on presentment or indictment, shall be fined in a sum not less than fifty nor more than two hundred dollars, at the discretion of the jury by which such offender or offenders may be tried: Provided, that nothing herein contained shall be construed so as to prevent the persons who have already issued such bills to redeem the same, or to prevent such persons as may be the holders thereof from presenting them to the drawer for payment at any time before or after the firsts day of June next.

Penalty for issuing change bills for less than three dollars.

Proviso.

Sec. 2. And be it further enacted, That if any person or persons shall pass off, circulate or aid in the circulation of any such note or instrument of writing as specified in the first section of this act, he, she, or they so offending, shall be fined in a sum not less than five nor more than twenty dollars, at the discretion of the jury by which such offender or offenders may be tried, and that he, she, or they shall stand committed to the common jail of the county till the fine and costs are paid: Provided, that no person shall be liable to the penalty herein annexed for receiving a change bill unless he has been an inhabitant of the county ten days.

For aiding in the circulation of change tickets

Proviso.

Sec. 3. And be it further enacted, That it shall be the duty of each and every Judge of the Circuit Court of this State to give the first section of this act in charge to the grand juries of the different counties of this State.

Judges to give this act in charge.

Sec. 4. And be it further enacted, That this act shall commence and be in force from and after the first day of June next.

Commencement.

Approved, January 20, 1830.

## AN ACT

The better to provide for the examination of the offices of the clerks of the Circuit and County Courts of this State.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be the duty of the Judges of the Circuit and County Courts of this State at the first term of their Court which shall be held in each county in this State after the passage of this act, and biennially thereafter, to appoint on or more persons, not exceeding three, learned in the laws, to examine the offices of their respective Courts.

Judges of the Circuit and County Courts to have their respective offices examined.

Sec. 2. And be it further enacted, That no person or persons so appointed, shall take and subscribe an oath well and truly to examine into the records of said Courts, the fee books

Examiners to take oath.

----- kept by the clerks thereof, and make a true return of the general state of the said offices; and it shall be the duty of the person or persons so appointed as aforesaid, in the vacation after the said Court, to examine the said offices and report the general state of the same to the next Court thereafter, and if on such examination, any misfeasance or malfeasance shall be discovered, it shall be particularly specified in the said report; which report when made shall be recorded in the clerk's office of the said Court, and shall be subject to the inspection of any person without fee.

Report to be recorded.  
Compensation.

Sec. 3. And be it further enacted, That the persons so appointed shall receive such compensation for their services as may be allowed them by the Judge of the County Court and commissioners of revenue and roads.

Sec. 4. And be it further enacted, That all acts and parts of acts in contravention of this act, be, and the same are hereby repealed.

Approved, January 20, 1820.

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AN ACT

To regulate the landing of goods by steamboats and barges, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Commanders of steamboats and barges That from and after the fifteenth day of February next, it shall be the duty of captains or commanders of steamboats and barges and other vessels navigating any of the navigable rivers in this State, to land all goods of any description at the landing for landing goods which said goods were shipped, and shall place them at least ten feet perpendicular above the edge of the water, unless the river shall be too high to admit of said goods being landed ten feet above the edge of the water, and then, and in that case, it shall be the duty of said captain or commander to land said goods on the highest and most secure place within one hundred yards of said landing.

Penalty for neglect of duty. Sec. 2. And be it further enacted, That if any captain or commander of any steamboat or barge or other vessel shall neglect or fail to comply with the provisions of the first section of this act, the owner or owners and the captains or commanders of such steamboat or barge shall jointly or severally forfeit and pay to the owner or owners of such goods, double the value of the goods, to be recovered before any court of record or before any justice of the peace, as the case may require, together with double cost.

Liability for injury done to cotton bags. Sec. 3. And be it further enacted, That when any cotton bales or bags shall be torn by the use of what are called cotton hooks, or otherwise, in loading or unloading on board of any steamboat or barge, or other vessel, the owner or commander of such steamboat or barge shall forfeit the freight of the bales so torn or damaged, and shall pay all damages to the owner or consignee of the cotton to be recovered in the manner specified in the second section of this act.

Repeal. Sec. 4. And be it further enacted, That all laws or parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, January 16, 1830.

## AN ACT

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## Regulating the duties of County Treasurer.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be the duty of each and every treasurer of the several counties in this State, to settle their accounts annually with the judge of the County Court and commissioner of roads and revenue of their respective counties, which settlement shall set forth every item of receipt and expenditure of said county; and the said account shall be certified to by the judge and at least two of the commissioners, and shall be recorded in the County Court of said county; and it shall be the duty of the treasurer to post a copy of said account on the court house door, or some secure place therein at least once a year.

Treasurer to  
settle their  
accounts an-  
nually.

Further duty.

Sec. 2. And be it further enacted, That if any county treasurer fail to comply with the provisions of this act, he shall forfeit and pay for every such failure the sum of one hundred dollars, for the use of the county, to be recovered in the name of the judge of the County Court of the proper county, on motion in the Circuit Court of the county where such failure shall take place, on giving said treasurer one day's notice in writing, of such motion, which notice shall be served by the sheriff, coroner, or some constable.

Penalty for  
failure.

Sec. 3. And be it further enacted, That if any county treasurer shall fail or refuse to pay any claim against the treasury which he is compelled and bound to pay by law, when there are sufficient funds in the treasury to meet the payment of said claim, judgement may be obtained against said treasurer, on motion, (he having had five days notice thereof,) either in the Circuit or County Court of the proper county, in the same manner that judgement is obtained against sheriffs and constables for failing to pay over money. Approved, January 20, 1830.

Penalty for  
failing to pay  
claims against  
the treasury.

## AN ACT

Supplementary to an act passe the 15th day of January, 1828, entitled an act to authorized the sales of sixteenth sections, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That whenever a sale of sixteen section in any township in this state, or any part thereof, has been or may hereafter be effected pursuant to the provisions of an act passed the fifteenth day of January eighteen hundred and twenty-eight, entitled an act to authorize the sales of the sixteenth sections, and for other purposes, it shall be lawful for the commissioners to retain out of the first monies which shall come to their hands, either for rents due such township, or for interest accruing on the purchase money of the sixteenth section ,all expenses which they may have incurred in causing said section to be surveyed and laid out into lots, pursuant to the provisions of the before recited act: Provided, that the commissioners or one of them, shall make affidavit before the judge of

Commission-  
ers to retain a  
certain am't  
of money for  
certain pur-  
poses.

Proviso

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the County Court, or some justice of the peace of the county where such section is situated, that such expenses were necessary and have actually been incurred, which affidavit so taken shall be filed in the office of the County Court.

To hold an e- Sec. 2. And be it further enacted, That the school commis-  
 To give no- sioners of the several sixteenth sections in this State, may at  
 To give no- lection for the any time whenever they may think proper, hold and election at  
 section. sale of 16th their respective sixteenth sections to ascertain the sense of the  
 section. qualified electors in their townships in relation to the sale or  
 no sale of any such section, after having given at least thirty  
 To give no- days notice of said election, by advertisement at six of the  
 notice. most public placed in such township, and all elections, under  
 the provisions of this act, shall be conducted under the same  
 rules, regulations, and restrictions as are imposed by the act  
 to which this is an amendment.

Cashier duty Sec. 3. And be it further enacted, That whenever a si-  
 under this act teenth section may have been sold, and the commissioners  
 thereof have received no money from the sale, and have for-  
 forwarded the notes to the Bank in pursuance of law, it shall be  
 the duty of the Cashier of said Bank to pay any expense for  
 surveying and selling out said section, out of the proceeds of  
 the first money received for the sales thereof, upon the  
 account for such expenses in surveying and selling being  
 fairly mad out and certified by the whole of the commission-  
 ers of said section, to be just and unpaid, and that they have  
 no funds of said section wherewith to pay said account.

Approved, January 16, 1830.

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 AN ACT

To regulate proceedings in certain action of detinue.

Plaintiff in de- Section 1. Be it enacted by the Senate and House of Represen-  
 tative to have tives of the State of Alabama in General Assembly convened,  
 property by That in any action of detinue hereafter commenced, if the  
 filing affida- plaintiff, his agent or attorney shall make affidavit that the pro-  
 vit and giving perty sued for belongs to the plaintiff, and shall give bond with  
 bond with se- sufficient security, to be approved of by the clerk of the Court  
 curity condi- issuing the writ, conditioned that if the plaintiff shall fail in the  
 tioned &c. suit he shall pay the defendant all costs and damages he may  
 sustain by the wrongful suing out the writ, it shall be the duty  
 Clerk so to of the clerk of the court issuing the writ, by endorsement on the  
 endorse onsame, to require the sheriff or other officer serving it, to take  
 the writ un- the property sued for into his possession, unless the defendant  
 less defend- shall give bond with sufficient security in double the amount of  
 ant give bond the value of the property to be taken payable to the plaintiff,  
 with security and conditioned that the defendant, if cast in the suit, shall  
 to plaintiff within thirty days after its determination, deliver to the plain-  
 conditioned tiff the property recovered by such suit.

&c. Sec. 2. And be it further enacted, That if the defendant in  
 Defendant such suit shall neglect for five days, to give the bond required  
 shall have five by the first section of this act, the property taken shall be deli-  
 days to give vered to the plaintiff, on his giving bond and sufficient security  
 bond above in double the amount of the value of the property, payable to  
 mentioned.



the defendant, conditioned to deliver the property to the de- -----  
 fendant within five days after demand made, in case he shall and if he fail,  
 fail to recover the same in his said suit, and if the plaintiff shall property to  
 neglect to give such bond within five days after the time al- be given to  
 lowed the defendant, it shall be the duty of the officer serving pl'tiff, if in 5  
 the writ to return the property taken to the defendant. days he give

Sec. 3. And be it further enacted, That when the defendant bond.  
 shall have given such bond and a recovery shall be had against In case def't  
 him, and he shall neglect to deliver to the plaintiff the proper- give bond in  
 ty recovered, as provided for by the first section of this act, it 1st sec nam'd  
 shall be the duty of the sheriff, at the plaintiffs request, to make and cast in  
 a demand of the property recovered of the defendant or his suit fail to de-  
 security, and if it shall not be delivered within five days after liver property  
 such demand, the sheriff shall return the bond taken in the suit in sh'ff to make  
 the office of the clerk of the Court where the recovery shall demand on re-  
 be had, as forfeited; and such bond so returned shall have the quest of pl'tff  
 force and effect of a judgement, and execution thereon issue and if not de-  
 against principal and security for the alternative judgement. livered in 5

Sec. 4. And be it further enacted, That if the plaintiff shall days, bond to  
 fail in such action, and shall neglect to deliver the property be returned  
 taken, after demand made, as provided for by the second sec- forfeited and  
 tion of this act, be, and his securities shall be liable to an ac- exec'n issue.  
 tion on such bond, and in case of recovery thereon, damages Plaintiff and  
 not exceeding fifty per centum on the value of the property his security  
 shall be given for the detention thereof. liable to suit

Approved, January 16, 1830. on his bond in

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 AN ACT case of failure  
 in his action

To permit John Lindsey to have registered a deed therein named. and to damages.

Section 1. Be it enacted by the Senate and House of Represen-  
 tatives of the State of Alabama in General Assembly convened,  
 That John Lindsey, executor of William Lindsey, deceased,  
 be permitted to have recorded a deed of conveyance executed  
 by Samuel Low to William C. B. Lindsey and Calvin R.  
 Lindsey, infant heirs of the said William Lindsey, deceased,  
 for the east half of the south west quarter of section thirty-  
 three of township sixteen, of range one, east, in the district of  
 Tuscaloosa, any time within six months after the passage of  
 this act, and that said deed be as valid to all intents and pur-  
 poses as if it had been registered within the time limited by Rights of cre-  
 law after its date: Provided, that said registry shall not ditors not to  
 affect any right of a creditor or purchaser which may have in- be affected.  
 tervened.

Approved, January 20, 1830.

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 AN ACT

Authorizing a lottery for the benefit of Autauga Lodge, No 31, of Ancient  
 Free Masons

Section 1. Be it enacted by the Senate and House of Represen-  
 tatives of the State of Alabama in General Assembly convened,  
 That it shall and may be lawful for John M. Creyon, John  
 McNeil, Lewis Tyus, Absalom Doster, John G. Graham,  
 Jordan Abbott and William McGill, or a majority of them, Lottery au-  
 to raise, by lottery, any sum not exceeding six thousand dol- thorized.

1830.

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lars, by one or more classes, to be appropriated to the erect-  
ing and furnishing a Masonic hall for the use and benefit of  
Autauga Lodge, No. 31, in the town of Washington.

Managers            Sec. 2. And be it further enacted, That the individuals  
how govern-        named in the first section of this act in all particulars, be  
ed.                    governed by the provisions of an act approved thirteenth of  
December, eighteen hundred and twenty-seven, and entitled  
an act authorizing a lottery for the benefit of Cyrus Chapter,  
No. 6, and Florence Lodge, No. 14, of Ancient Free Masons,  
Proviso.            in the town of Florence: Provided, that all bonds shall be  
entered into before the judge of the County Court of Autau-  
ga county.                    Approved, January 16, 1830.

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AN ACT

To authorize the emancipation of certain slaves therein named.

Section 1. Be it enacted by the Senate and House of Represen-  
tatives of the State of Alabama in General Assembly convened,

Achelus That Achelus Pope of the county of Autauga be, and he is  
Pope author- hereby authorized to emancipate a certain coloured man slave  
ized to eman- by the name of Silas.

David Brew-        Sec. 2. And be it further enacted, That David Brewton of  
ton authoriz- the county of Madison be, and he is hereby authorized to  
ed to emanci- emancipate a certain man slave by the name of Dane.

Executors of        Sec. 3. And be it further enacted, That John Simpson and  
Richar Ra- Thomas Simpson, executors of the last will and testament of  
pier.                Richard Rapier, deceased, of the county of Lauderdale be, and  
they are hereby authorized to emancipate a certain male slave  
by the name of John H. Rapier.

John Moye.        Sec. 4. And be it further enacted, That Jason Moye of the  
county of Baldwin be, and he is hereby authorized to emanci-  
pate a certain male slave by the name of Abraham.

AC Thomp-        Sec. 5. And be it further enacted, That Allen C. Thompson  
son.                county of Franklin be, and he is hereby authorized to  
emancipate a certain female slave by the name of Hannah.

S Brown.            Sec. 6. And be it further enacted, That Stephen Brown of  
the county of Clarke be, and he is hereby authorized to eman-  
cipate certain slaves, to wit: Thomas and Clary his wife, also  
Noah, Phillis, Mary and Thomas, children of the said Thomas  
and Clary.

Executors of        Sec. 7. And be it further enacted, That the executors of Ro-  
R Thompson        bert Thompson, deceased, of Madison county, be, and they are  
hereby authorized to emancipate a certain male slave by the  
name of John, and also his wife, a female slave by the name of  
Delilah, the property of said Robert Thompson, deceased.

A H Bodin.        Sec. 8. And be it further enacted, That Alexander Henry  
Bodin, of the county of Mobile, be, and he is hereby authorized  
to emancipate two certain female slaves, to wit: Estrazille  
and Mercide.

Dan'l Reed,        Sec. 9. And be it further enacted, That Daniel Reed, a free  
man of colour of the county of Washington be, and he is here-  
by authorized to emancipate a certain mulatto male slave by  
the name of George Reed.

Sec. 10. And be it further enacted, That Regeste Barnody of the county of Mobile be, and he is hereby authorized to emancipate certain negro slaves, to wit: Charles, Pieere Regist and Zeno.

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Regeste Bar-  
nody.

Sec. 11. And be it further enacted, That George W. Stone-  
road of the county of Lawrence be, and he is hereby authoriz-  
ed to emancipate a certain child slave by the name of Marian.

G W Stone  
road.

Sec. 12. And be it further enacted, That David Johnston of  
the county of Tuscaloosa be, and he is hereby authorized to  
emancipate a certain negro man slave by the name of Tom.

D Johnston

Sec. 13. And be it further enacted, That James H. Irons of  
the county of Marengo be, and he is hereby authorized to eman-  
cipate certain slaves, to wit: Silvey, Mahaley and Martha.

J H Irons

Sec. 14. And be it further enacted, That Richard Field, a  
free man of color of the county of Mobile, be, and he is hereby  
authorized to emancipate a female slave by the name of Abbey.

Rich'd Field

Sec. 15. And be it further enacted, That River Roffiel of  
the county of Mobile, be, and he is hereby authorized to eman-  
cipate two slaves, to wit: Catherine and Constance Augusta.

River Roffiel.

Sec. 16. And be it further enacted, that Fernier Freeznan  
of the county of Mobile be, and he is hereby authorized to  
emancipate three slaves, to wit: Claricy, Patience and Ceriah.

F Freeznan.

Sec. 17. And be it further enacted, That Nathaniel D. Snow-  
dy, executor of John Snowdy, deceased, of the county of Madi-  
son, be, and he is hereby authorized to emancipate a female  
slave by the name of Sally.

Executor of  
John Snowdy.

Sec. 18. And be it further enacted, That Fred Wittick of the  
county of Dallas, be, and he is hereby authorized to emanci-  
pate two female slaves, to wit: Rachel and Sally.

P Wittick.

Sec. 19. And be it further enacted, That Henry King of the  
county of Mobile, be, and he is hereby authorized to emanci-  
pate seven slaves, to wit: Esther, Martha, Henry, Louisa,  
Eliza, Powhattan and George.

Henry King

Sec. 20. And be it further enacted, That Eli Holly of the  
county of Wilcox, be, and he is hereby authorized to emanci-  
pate a female slave by the name of Bet.

Eli Holly.

Sec. 21. And be it further enacted, That James B. Stewart  
of the county of Autauga, be, and he is hereby authorized to  
emancipate a female slave by the name of Judith.

J B Stewart

Sec. 22. And be it further enacted, That William Browning  
of the county of Marengo, be, and he is hereby authorized to  
emancipate a female child by the name of Dorca.

W Browning

Sec. 23. And be it further enacted, That John Robinson of  
the county of Madison, a free man of color, be, and he is here-  
by authorized to emancipate his wife, a female slave by the  
name of Amie.

J Robinson.

Sec. 24. And be it further enacted, That Albert C. Horton  
of the county of Franklin, be, and he is hereby authorized to  
emancipate a certain slave by the name of Tom, otherwise  
called Thomas.

A C Horton

Sec. 25. And be it further enacted, That Nathaniel Clark of  
the county of Pike, be, and he is hereby authorized to eman-

Nat Clark

1830.

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----- cipate a male slave by he name of Harry, and also a female slave by the name of Agness.

J B Mansen. Sec. 26. And be it further enacted, That John Batista Mansen of the county of Mobile, be, and he is hereby authorized to emancipate two female slaves by the name of Nanette and Catharine.

J Marast. Sec. 27. And be it further enacted, That John Marast of the county of Greene, be, and he is hereby authorized to emancipate a certain male slave by the name of Jim Fenner.

Sally Phagan Sec. 28. And be it further enacted, That Sally Phagan, a woman of color, who has been purchased by contribution of sundry citizens of the county of Madison, for the purpose of emancipating, be, and she is hereby forever freed from bondage and slavery, reserving at the same time the rights of creditors,

Bond to be and upon condition that security shall be given to the judge of given. the County Court of said county in the sum of one hundred dollars, conditioned, that she shall not become a public charge.

Rights of cre- Sec. 29. And be it further enacted, That all the privileges ditors not to conferred by the various sections of the foregoing act, are given be affected with a reservation of the rights of creditors, and upon the ex- by the privi- press condition that the several persons therein named, shall leges of this enter into bond with good and sufficient security, to be approved act. of by the judges of the County Courts respectively, and made

Bonds to be payable to the Governor for the time being, and his successors given. in office, to wit: the persons named in the sixth and nineteenth sections in the sum of fifteen hundred dollars each: those in the seventh, eighth, tenth, thirteenth, fifteenth, sixteenth, eighteenth, twenty-fifth and twenty-sixth sections, in the sum of one thousand dollars each, and the remainders in the sum of five hundred dollars each; conditioned, t hat the persons therein authorized to be emancipated, or any one of them, shall never become a public charge to this state, or any county, city, or town thereof. Approved, January 20, 1830.

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AN ACT

Appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens.

Commission- Section 1. Be it enacted by the Senate and House of Represen- are appointed. tatives of the State of Alabama in General Assembly convened, That James Foster of the county of Tuscaloosa, Dabney McGeehe of the county of Greene, and Robert Jimmerson of the county of Pickens, be, and they are hereby appointed commissioners to run, mark, and establish the line between the counties of Tuscaloosa, Greene and Pickens, commencing at the mouth of Grant's creek and running thence a due west course of the Bigby river.

To report to Sec. 2. And be it further enacted, That said commissioners their respec- after they shall have run and marked said line, shall make a tive courts. return thereof to their respective County Courts, which said respective Courts, on receiving such returns, shall, and they are hereby authorized to allow to their respective commis- Compensa- sioners the sum of four dollars per day, to be paid our of any tion. money in the respective county treasuries, not otherwise appropriated. Approved, January 20, 1830.

## AN ACT

To amend an act approved 15th January, 1826, authorizing a lottery for the purpose of of building an academy, and a court house in the county of Henry.

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Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the first section of the above recited act be so amended as to authorize Josiah D. Cothorn, John H. Gilmore, Benjamin C. Lansdell, Sion Smith Hezekiah R. Wood, Abner Hill, John Sowell, Robert Irwin and Henry A. Young to raise by lottery, the sum of ten thousand dollars by one or more classes, to be appropriated according to the provisions of the act to which this is an amendment, and according to the act amendatory to the above recited act, approved sixteenth January, eighteen hundred and twenty-nine.

Lottery.

Sec. 2. And be it further enacted, That the managers of the said lottery, or such of them as shall act as such, to change the scheme or schemes of said lottery for their reasonable expenses and services, not exceding two dollars each per day, to be paid out and charged as other contingent expenses of said lottery.

Managers' compensation.

Sec. 3. And be it further enacted, That all acts and parts of acts, contravening the provisions of this act, be, and the same are hereby repealed.

Repeal.

Approved, January 15, 1830.

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AN ACT

To emancipate a female slave named Maria, a part of the estate of the late Christopher C'Connico, of the county of Monroe.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That a female slave named Maria, now in possession of William W. M'Connico, executor of said Christopher M'Connico, be, and she is hereby forever emancipated and set free: Provided, the executor of the said Christopher M'Connico, shall enter into bond with approved security, before the judge of the County Court of the county of Monroe, payable to the Governor and his successors in office, conditioned that the said slave shall never become a charge to any county, city or town of this State.

Maria emancipated.

Proviso.

Approved, January 20, 1830.

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AN ACT

AN ACT To authorize William Johnson, senr to make titles to lots sold by the commissioners of the town of Pickens in Pickens county.

1829.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter William Johnson, senr. of the county of Pickens, the only commissioner of the town of Pickens, remaining and residing in said county, shall have the exclusive right, and it shall be his exclusive duty, to make titles by deeds to all lots in the town of Pickens which have been heretofore sold by said commissioners and to which titles have not yet been made, where the purchaser or purchasers have made full payments for the same; and to grant titles to all lots within said town which may be hereafter sold by him, as commissioner aforesaid.

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Wm Johnson sen. to make titles to certain lots.

Sec. 2. And be it further enacted, That this act shall take effect

When to take

from and after the passage thereof.

Approved, Dec. 23, 1829.

effect.

1829.

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AN ACT

To legalize the rites of matrimony between Gabriel Butler and Mary Littrel, of the county of Lauderdale and State of Alabama, and render legitimate their children.

Whereas, doubts have arisen as to the legality of the marriage between Gabriel Butler and Mary Littrel of the county

Preamble. and State aforesaid, because of the rites of matrimony were celebrated by a non-resident of the state, and because no return of the license under which they were married, appears of record in the clerk's office from whence they issued:

Section 1. Therefore, Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the rites of matrimony heretofore solemnized between Gabriel Butler and Mary Littrel fo the county and State aforesaid, are hereby made lawful and obligatory in all respects, and the offspring of said marriage are hereby made legitimate, as if the same had been done in strict conformity with the requirements of the law; and the clerk is hereby required to record said marriage.

Rites of matrimony between G Butler and M Littrel made lawful and offspring legitimated.

Approved, December 29, 1829.

AN ACT

To authorize the administrators of the estate of Thomas C. Bradford, late of St. Clair county, deceased, to sell the real estate which belonged to said decedent.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the administrators of the estate of Thomas C. Bradford, late of St. Clair County, deceased, are hereby authorized to sell at public auction, all the real estate which belonged to said Thomas C. Bradford at the time of his death, on giving thirty days notice in the Alabama State Intelligencer a newspaper published in the town of Tuscaloosa, and also on giving notice the same length of time by advertisement posted up at the court house in St. Clair county, and at three other public places in said county; and also, on giving bond and sufficient security to the judge of the County Court of St. Clair county, conditioned to faithfully account to the heirs of said Thomas C. Bradford for the proceeds of said sales when thereto required.

Administrators of T C Bradford authorized to sell real estate.

To give bond

Approved, December 22, 1829.

1830.

AN ACT

For the relief of Michael Robins.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of twenty dollars be, and the same is hereby appropriated for the payment of Michael Robins, for pursuing and apprehending, and lodging in jail, a certain criminal who had fled from justice.

Appropriation to Michael Robins.

Sec. 2. And be it further enacted, That the Comptroller of public accounts is hereby required to issue his warrant on the Treasurer for the same, and the said Treasurer shall pay the same out of any money in the treasury not otherwise appropriated.

Approved, January 15, 1830.





## AN ACT

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To establish La Grange College.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That a seminary of learning, be, and the same is hereby established at La Grange, in Franklin county, to be denominated the La Grange College. LaGrange college established.

Sec. 2. And be it further enacted, That there shall be fifty Trustees who are hereby authorized to take charge of the interest of the College; twenty one of whom shall be designated as residing in La Grange and its vicinity, a majority of whom shall constitute a quorum to transact business; the remaining twenty-nine Trustees shall be designated as not residing in the immediate vicinity of La Grange, but when any one or more of them shall find it convenient or important to co-operate with those designated as residing in La Grange and its vicinity, it is hereby rendered competent for them so to do, by uniting themselves with those who are designated as living in La Grange and its vicinity: Provided, however, that when a majority of the whole number of Trustees residing in La Grange or its vicinity shall be present, they shall constitute a quorum to do business. Fifty trustees Quorum how formed.

Sec. 3. And be it further enacted, That the following persons have been duly chosen Trustees of the College, and are recognized as residing in La Grange and its vicinity, to wit: Turner Sanders, Alexander Sale, Alexander Sledge, John Davis, Moses Hall, John Sutherland junr. Benjamin B. Jones, Claiborne Sanders, Epps Moody, Henry S. Foot, Sion L. Perry, James B. Lockhart, William H. Winter, Dudley Dunn, Thomas Woldridge, Hartwell King, Bernard McKernan, John W. Hodges, John W. Scott, Freeman Fitzgerald, Richard Ellis; and the following persons have also been chosen Trustees and are considered as residing at a distance from the institution, to wit: William Wynans, Edmund McGahee, Alexander Covington, Greenwood Laflow, John Ross, William McMahan, Alexander Tally, Joseph McDowell, James McFerren, John M. Taylor, Henry W. Rhodes, Jack Shackelford, Samuel W. Mardis, Robert Payne, Weston T. Rucker, Henry R. W. Hill, Thomas Brandon, John D. Bibb, Gilbert D. Taylor, Jesse Coe, Richard Jones, James Sanders, John M. Holland, James H. Mallard, Robert L. Kennon, David Moore, Robert H. Watkins, John B. Rove, and John Coffee. Names of trustees residing in La Grange Names of trustees residing at a distance.

Sec. 4. And be it further enacted, That the trustees aforesaid, be, and they are hereby constituted, a body politic and corporate, in deed and in law, by the name of the President and Trustees of La Grange College, and by that name they, and their successors, shall, and may have perpetual succession and be able and capable in law to have, receive and enjoy to them and their successors, lands, tenements, hereditaments of any kind, in fee or for life, or for years, and personal property of any kind whatsoever, and also all sums of money. Trustees to be corporate body by name of "The President and Trustees of La Grange college."

----- which may be given, granted, or bequeathed to them for the  
 Amt' of pro- purpose of promoting the interest of said College, not ex-  
 perty limited. ceeding in the whole amount three hundred thousand dollars.  
 Board to meet Sec. 5. And be it further enacted, That there shall be a sta-  
 annually &c. ted meeting of the Board of Trustees in each year at the time  
 of conferring degrees; and that the President of said board  
 of Trustees shall have full power to call an occasional meeting  
 of the Board, whenever it shall appear to him necessary.

Have com- Sec. 6. And be it further enacted, That the Trustees of the  
 mon seal. said College shall and may have a common seal for the busi-  
 ness of themselves and their successors, with liberty to change  
 or alter the same from time to time as they shall think pro-  
 per, and that by their aforesaid name, they and their succes-  
 Extent of cor- sors shall and may be able to sue and be sued, plead and be  
 porate pow- impleaded, answer and be answered, defend and be defended,  
 ers. in all courts of law and equity in this State; and to grant, bar-  
 gain, sell or assign any lands, tenements, goods or chattels  
 now belonging to the said College, or that may hereafter be-  
 long to the same; to construct all the necessary buildings for said  
 institution, and to establish a preparatory or primary school,  
 and such other appendant institutions as they shall deem ne-  
 cessary, to have the management of the finances, the privilege  
 of electing their own officers of appointing all necessary com-  
 mittees, and to act and do all things whatsoever for the bene-  
 fit of the said institution, in as ample a manner as any person  
 or body, politic or corporate, can or may do by law.

To prescribe Sec. 7. And be it further enacted, That the said Trustees  
 course of stu- shall have power of prescribing the course of studies to be  
 dies, make pursued by the students, and of framing and enacting all such  
 byelaws & c. ordinances and bye-laws as shall appear to them necessary for  
 the good government of the said College and of their own  
 proceedings: Provided, the same be not repugnant to the laws  
 of the United States and of this State.

Proviso

The Pres't & Sec. 8. And be it further enacted, That the head of the said  
 Profess'rs or College shall be styled, the President, and the instructors there-  
 of, the Professors: and the President and Professors or a ma-  
 jority of them, the Faculty of the La Grange College, which  
 compose the Fa- faculty shall have power of enforcing the ordinances and bye-  
 culty. laws adopted by the Trustees for the government of the stu-  
 dents, by rewarding or censuring them, and finally by sus-  
 pending such of the, as, after the repeated admonitions, shall  
 To suspend pending such of the, as, after the repeated admonitions, shall  
 & expel how continue disobedient or refractors until a determination of a  
 and when. quorum of Trustees can be had but it shall be only in the  
 power of a quorum of Trustees at their stated meetings to ex-  
 pel any student or students of the said College.

Power to con- Sec. 9. And be it further enacted, That the Trustees, or so  
 fer degrees. many of them as shall be fixed on by their bye-laws as afore-  
 said, shall have full power by the Principal or Professors of  
 the said College, to grant or confer such degree or degrees in  
 the arts or science to any of the students of the said College,  
 or persons by them thought worthy, as are usually granted  
 and conferred in other Colleges in the United States, and to

give diplomas or certificates thereof, signed by them and sealed with the common seal of the Trustees of the College, to authenticate and perpetuate the memory of such graduations.

Sec. 10. And be it further enacted, That whenever any vacancy shall occur in the Board of Trustees either by death, resignation or otherwise, such vacancy shall be filled by a majority of the remaining Trustees, resident in La Grange or its vicinity.

Sec. 11. And be it further enacted, That all necessary and customary officers of said institution shall be appointed by a majority of the Board of Trustees.

Sec. 12. And be it further enacted, That whenever a vacancy shall occur in the Presidency or any of the Professorships of the College the Board of Trustees shall have power to fill such vacancy.

Sec. 13. And be it further enacted, That the Trustees shall have the power of fixing the salaries of all the officers connected with the College, removing any of them for neglect or misconduct in office, a majority of the whole number of resident Trustees concurring in said removal.

Sec. 14. And be it further enacted, That whenever it shall be considered by four fifths of the Trustees forming a quorum to do business, that it is important to the welfare of the institution, that any member of the Board of Trustees should be dismissed from office, they shall have the power to dismiss such Trustee.

Sec. 15. And be it further enacted, That the institution hereby incorporated, shall be purely literary and scientific; and the trustees are hereby prohibited for the adoption of any system of education which shall provide for the inculcation of the peculiar tenets or doctrines of any religious denomination whatever.

Sec. 16. And be it further enacted, That said corporation shall not exercise any banking powers, or discount notes, or deal in bills of exchange, but shall confine themselves strictly to the powers hereby granted.

Sec. 17. And be it further enacted, That nothing herein contained shall be so construed as to prohibit the General Assembly of this State from altering or amending this act whenever it may seem to them necessary or expedient.

Sec. 18. And be it further enacted, That this act shall be deemed a public act, and judicially taken notice of without special pleading.

Approved, January 19, 1830.

#### AN ACT

To incorporate the Trustees of the Sims' Female Academy, in the town of Tuscaloosa.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Edward Sims, Henry W. Collier, Richardson Owen, Benjamin B. Fontaine, Robert L. Kennon, Dennis Dent, Willis Banks, Leven Powell, James M. Davenport, Aaron Ready, James Guild, George W. Crabb, William R. Colgin,

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Diplomas.

Vacancy in  
board how  
filled.

Appointment  
by officers.

Vacancy in  
presidency or  
professorship

how filled.

Salaries how  
fixed and re-  
movals from  
office by  
whom made.

Trustees to  
be dismissed  
how.

Institution to  
be purely li-  
terary and sci-  
entific, no pe-  
culiar tenets

of religion.

Banking pow-  
ers denied.

Power to al-  
ter or amend  
reserved to  
Legislature.

Corporations  
created.

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Nicholas Perkins, and Thomas Owen, Trustees of Sims' Female Academy, and their successors in office, shall be, and they are hereby incorporated as a body politic and corporate by the name and style of the Trustees of Sims' Female Academy.

Election of officers. Sec. 3. And be it further enacted, That said corporation shall have perpetual succession of officers and members, who shall be appointed or elected in such manner as said Trustees shall be their rules, regulations, and bye-laws prescribe, and

To establish a common seal, and alter and make new the same, as to said Trustees seal. may seem proper.

Powers of the corporation. Sec. 3. And be it further enacted, That said corporation by the name and style aforesaid, shall be able and capable in law to purchase, acquire, hold and enjoy any estate, real or personal, and to sell alien and dispose of the same at pleasure, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this State.

Further powers. Sec. 4. And be it further enacted, That said Trustees and their successors in office, shall have power and authority to make such bye-laws for the regulation and government of said academy, as to them may seem just and proper: Pro-

Viso. vided, That such bye-laws be not repugnant to the constitution and laws of this State, or of the United States: And provided, that said Trustees shall not at any one time hold property of

Further proviso. greater value than twenty thousand dollars: And provided also, that said corporation shall not deal in notes or bills of exchange, or exercise banking powers but shall be strictly con-

No religious tenets to the exclusion of others to be taught. fined to the powers by this act granted: And provided also, that no religious tenets to the exclusion of others shall be taught at said institution: Provided nothing in this act shall be so construed as to prevent the Legislature of this State from altering or amending the act creating said corporation: Pro-

Legislature may alter act. vided further, that any vacancy which may occur in the Board of Trustees, for any cause, shall be filled by a majority of the Trustees for the time being. Approved January 15, 1830.

how filled.

#### AN ACT

To incorporate Marion Academy, in Perry county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Marion academy established. That there shall be established in the county of Perry, at or within three hundred yards of the place where the road leading to Cahawba, and the road leading to Pitt's ferry fork south of the town of Marion, in said county, an academy to be called Marion Academy.

Corporation created. Sec. 2. And be it further enacted, That Elisha Young, Edwin D. King, Gabriel Benson, Elisha F. King, Dunklin Sullivan, George Weissinger and George W. Brame, and their successors in office, be, and they are hereby constituted a

Style. body corporate, by the name and style of the Trustees of Marion Academy, and by that name shall have full power and

Power authority to have and use a common seal, and the same to

break, alter, and renew at pleasure, to sue and be sued, plead and be impleaded, in all kinds of actions, to receive donations and purchase property, both real and personal, in value not exceeding thirty thousand dollars, and the real property shall enure to the said Trustees and their successors forever; and to pass all such laws and make such rules and regulations as the said Trustees shall deem expedient for the government of said Academy, the same not being repugnant to the constitution and laws of the United States and of the State of Alabama.

Sec. 3. And be it further enacted, That five Trustees shall constitute a quorum for the transaction of all business, and a majority of the trustees shall have power to fill all vacancies that may occur from any cause, and shall have power to appoint a President of their Board, and all such other officers as they shall deem necessary.

Sec. 4. And be it further enacted, That this act shall be in force from and after the passage thereof.

Approved, January 13, 1830.

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AN ACT

To amend an act entitled an act to incorporate Valley Creed Academy, in the county of Dallas.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the third section of an act approved January fifteenth, eighteen hundred and twenty-nine, entitled an act to incorporate Valley Creek Academy in the county of Dallas, is hereby repealed.

Approved, January 16, 1830.

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AN ACT

To amend an act passed December tenth, eighteen hundred and twenty-three, entitled an act to amend an act to incorporate the Huntsville Fire Engine Company, passed December tenth, eighteen hundred and twenty-two.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Fire Engine Company incorporated in the town of Huntsville, shall hereafter consist and be composed of one hundred members, or less, at the discretion of said company, subject to the same exemptions, and liable to the same penalties, as the present members of the said company are now subject to.

Sec. 2. Be it further enacted, That all acts and parts of acts contravening the provisions of this act, shall be and the same are hereby repealed. Approved, January 16, 1830.

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AN ACT

To revive and continue in force an act to incorporate the town of Selma, in the county of Dallas, passed December 4th 1820.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the act to incorporate the town of Selma, in the county of Dallas, passed December fourth, eighteen hundred and twenty, and all other laws in relation to said town not heretofore repealed, be, and the same are hereby revived and continued in full force, so far as the same are not repugnant to

Quorum.

Vacancies.

President and  
officers to be  
appointed.

Third section  
repealed.

Fire Engine  
company may  
consist of 100  
members.

Certain acts  
revived.

this act.

1830.

46

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Councillors      Sec. 2. And be it further enacted, That the next election for  
when elected      councillors for said town, shall be held at the house of David  
                         H. Burke, in said town, on the first Monday in April next, un-  
                         der the superintendence and management of Gilbert Shearer,  
                         Matthew McLaughlin, P.I. Weaver, Samuel F. Jones,  
                         William Johson, Hugh Ferguson and James Douglass, or  
                         any three of them, under the same rules, regulations and re-  
                         strictions as are prescribed in the before recited act.

Approved, January 16, 1830.

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AN ACT

To incorporate the Tuscumbia Railway Company.

Section 1. Be it enacted by the Senate and House of Repre-  
sentatives of the State of Alabama in General Assembly convened,

Corporation      That there shall be established in the town of Tuscumbia, a  
created.          company for the purpose of erecting a railway from the town  
                         of Tuscumbia to some eligible point on the Tennessee river,  
                         which shall be called and known by the name, style and title

Style.            of the Tuscumbia Railway Company, and all such persons as  
                         shall be stockholders of the said company, and their successors,

Powers.          shall and may have continual succession, and shall be capable  
                         in law of suing and being sued, pleading and being impleaded,  
                         answering and being answered unto, defending and being de-  
                         fended in all courts and places whatsoever, in all manner of  
                         actions, suits, complaints, matters, and causes whatsoever; and  
                         they and their successors may have a common seal, and may  
                         change and alter the same at pleasure; and also, they and their  
                         successors in office shall be capable of purchasing, holding and  
                         conveying all kinds of estate, whether real or persona, for the  
                         use of said corporation, subject to the restrictions hereafter

Capital stock      mentioned; that the capital stock of said corporation shall not  
                         exceed the sum of twenty thousand dollars, divided into one  
                         thousand shares to twenty dollars each, one fifth, or twenty  
                         per cent thereof to be paid in at the time of subscribing, and the  
                         remaining four-fifths, or eighty percent to be paid in such in-  
                         stalments as the Directors shall appoint.

Subscriptions      Sec. 2. And be it further enacted, That subscriptions shall be  
                         offered for the said shares on the first Monday in March next,  
                         in the town of Tuscumbia, under the superintendence of Phillip  
                         G. Godley, John Kennedy, John Sutherland, John J. Winston,  
                         John Haynie, Micajah Tarver, William H. Winter, James  
                         Elliot, David Deshler, Thomas Aldridge, Ralph Hatch and

Shares to be      Armstead Barton, or any four of them, which said subscription  
held 5 days      shall continue open until the sum of twenty thousand dollars  
before elec-      be subscribed, but no share or shares shall entitle the holder to  
tion to entitle      vote at any election of officers, without the same shall have  
holder to      been held bona fide, by him or her, at least fifteen days next im-  
vote.      mediately preceding said election.

Election of      Sec. 3. And be it further enacted, That for the well ordering  
directors      and management of the affairs of said corporation, there shall  
                         be chosen thirteen Directors, who shall hold their office for one  
                         year and until new officers shall be chosen, which Directors at  
                         the time of their election and during their continuance in office.

shall be holders of at least ten shares, and shall be elected annually after the first election at the office of said company, or any other convenient place in the town of Tuscumbia, and at such time of the day as the President of such company shall appoint, of which election public notice shall be given in some newspaper printed in the town of Tuscumbia at least seven days previous to said election, and such election shall be by ballot, and determined by a plurality of the votes of the stock holders, each share entitling the holder to one vote; and it shall be lawful for the stockholders to vote by proxy, or in person, as may seem to them inset : but if from any cause it shall happen that the election of Directors shall not be made on any day, when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed dissolved, but it shall be lawful on any other day : Provided, the same be done in thirty days thereafter.

Sec. 4. And be it further enacted, That the Directors of said company shall be, in the first instance, chosen as follows, that is to say, as soon as the said sum of twenty thousand dollars shall be subscribed, the said Philip G. Godley, John Kennedy, John Sutherland, John Haynie, John J. Winston, Micajah Tarver, William H. Winter, James Elliott, David Deshler, Thomas Aldridge, Ralph Hatch and Armstead Barton, shall appoint a place: in the town of Tuscumbia, for proceeding to the election of said thirteen Directors, and such election shall be held under the supervision of the aforementioned persons, in conformity with the directions of the third section of this act ; and the Directors shall meet as soon as maybe after every election, and shall choose out of their own body, a President, who shall serve until the next election, and that in case of vacancy by death, resignation or inability to serve as President, such vacancy shall be filled by the Board of Directors, by a special election.

Sec. 5. And be it further enacted, That said corporation shall have power to make, prescribe and alter such bye-laws, rules and regulations, as they shall consider needful and proper, touching the management of the concerns of said corporation, its stock, property, effects, &c;. Provided, always, that such bye-laws, rules and regulations, shall not be in contradiction of the laws and constitution of this State.

Sec. 6. .And be it further enacted, That there shall be two stated annual meetings of the Board of Directors, at such times as said Board may agree upon. and that the President shall have a right to direct such other meetings as he may think proper.

Sec. 7. And be it further enacted, That said corporation shall not hold, own or possess, at any time, more than fifty thousand dollars worth of property, both real and personal ; nor shall they exercise banking privileges or powers ; and it shall at all times, after the expiration of ten years, be competent for the General Assembly of this State to alter, amend or repeal this act.

Approved, January 16, 1830

Legislature  
may alter this  
act.

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Election to  
be by ballot  
Who to vote

Directors  
how chosen

To choose a  
President,

Corporation  
to make bye-  
laws &c.

Proviso

Meetings.

Not to hold  
more than  
\$50,000

Not to exer-  
cise banking  
privileges



To incorporate the stockholders and subscribers to the newly invented Marine Railway in the city of Mobile under the patent granted by the authority of the United States to Daniel Rogers, the original inventor

Section 1. Be it enacted by the Senate and House of Repre-

Marine rail- sentatives of the State of Alabama in General Assembly convened,  
way establish- That a Marine Railway to be called and styled "The newly  
ed, invented Railway under the Roger's patent," shall be esta-  
Style, blished at any place within the county of Mobile, in the State of  
Alabama, the capital stock of which shall not exceed twenty-  
Capital stock five thousand dollars, divided into two hundred and fifty shares  
of one hundred dollars.

Sec. 2. And be it further enacted, That Barrett Ames, Hugh  
Corporation Monro, Joseph Siler, Audley H. Gazzam, William R. Hallett,  
created Andrew Armstrong, Philip M'Loskey, Miguel D. Eslava, James  
Loomis and Elisha S. Beebe, of the city of Mobile and State  
of Alabama and their associates, their successors and assigns  
shall be, and they are hereby created a body corporate and  
Style politic by the name and style of "The President, Directors  
and Company of the newly invented Marine Railway, under the  
Roger's patent, in the city of Mobile" and shall so continue  
How long to until the first day of January, in the year of our Lord one  
continue, thousand eight hundred and sixty, and by that name shall be,  
and are hereby made able and capable in law to have pur-  
Powers, chase, receive, possess enjoy and retain to them and their  
successors, lands, rents, tenements, hereditaments, goods chat-  
tels, and effects of whatsoever kind, nature and quality to an  
amount not exceeding in the whole fifty thousand dollars  
including the amount of the capital stock aforesaid; and the  
same to sell, grant, demise, alien or dispose of, to sue and be  
sued, plead and be impleaded, answer and be answered, defend  
and be defended, in any suit, action matter or thing depending  
in any court of law or equity; and also to make, have and use  
a common seal, and the same to break alter and renew at plea-  
sure: and also to ordain, establish and put in execution, such  
bye laws, ordinances and regulations as they shall deem neces-  
sary and convenient for the government of the said corpora-  
tion, not being contrary to the constitution thereof, or the laws  
of the United States, or of this State; and generally to do,  
execute and perform all and singular the acts, matters, and  
things which to them may appear necessary, or which to them  
it shall or may appertain to do as incident to bodies corporate:

Not to exer- Provided always, that the said corporation shall not at any  
cise banking time during the continuance in force of this act, exercise,  
powers either directly or indirectly banking powers or privileges.

Sec. 3 .And be it further enacted, That for the management  
Directors to of the affairs of the said corporation, there shall be selected  
be elected. five Directors annually elected, pursuant to such rules and  
regulations as the said corporation shall, by their bye-laws  
or ordinances direct and establish, who shall hold their offices  
in the manner and for the term prescribed therein and thereby  
and the Board of Directors annually, at the first meeting after  
their election in each and every year, shall proceed to elect

one of the Directors to be President of the said corporation who shall hold said office during the same period for which the directors are elected as aforesaid: And provided also, that in case it should at any time happen that an election of Directors or an election of the President of said corporation, should not be so made as to take effect on any day, when in pursuance of said bye-laws and ordinances, adopted by the said corporation pursuant to this act they ought to take effect, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful at any other time to hold such election; and the manner of holding the elections shall be regulated by the laws and ordinances of the said corporation; and until such election be held, the President and Directors of the said corporation for the time being shall continue in office: And provided also, that in case of death, resignation or removal of the president of the said corporation, or his absence from this state for more than six months, the Directors shall proceed to elect another President from the Directors as aforesaid, and in case of the death, resignation or removal from office, or absence of a Director the vacancy may be supplied by a majority of the Board.

Sec. 4. And be it further enacted, That the Directors for the time being shall have power to appoint a secretary and treasurer, and such officers, clerks and servants under them as shall be necessary for executing the business of the said corporation, and to allow them such compensation as shall be prescribed, fixed and determined by the laws, regulations and ordinances of the same.

Sec. 5. And be it further enacted, That none but a stockholder, a resident citizen of this State, shall be a Director, nor shall any Director be entitled to any emolument, but it shall be lawful for the President to receive such compensation as the stockholders shall, at a general meeting, assign to him.

Sec. 6. And be it further enacted, That not less than three members shall constitute a board for the transaction of business, of whom the President shall always be one, except in cases of sickness or necessary absence, in which case his place may be supplied by another Director, whom he, by writing under his hand shall depute for that purpose; and the Director so deputed may do and transact all necessary business belonging to the office of the said corporation, during the continuance of the sickness or the necessary absence of the President.

Sec. 7. And be it further enacted, That the secretary and treasurer and other officers, clerks and servants of the said corporation shall, previously to entering on the duties of their offices respectively, give bond with such security, and in such form as the directors shall require, conditioned for the faithful discharge of their duties respectively.

Sec. 8. And be it further enacted, That the Directors shall have power at all times, giving at least thirty days notice at some public place in the city of Mobile to open subscriptions for stock, until the whole capital stock of twenty-five thousand dol-

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To choose  
President

Vacancies  
how filled

Officers to be  
appointed

Compensa-  
tion.

None but  
stockholders  
shall be di-  
rectors.  
Pres't may be  
compensated  
Quorum.

Officers to  
give bond

Directors  
have power  
to open sub-  
scriptions

lars shall be subscribed, which books shall be opened at ten o'clock, A. M. and continue until four o'clock, P. M. unless

Proviso the whole amount is sooner taken : Provided, that no person copartnership, or body corporate shall subscribe for more than ten shares the first day.

Stock to be assignable Sec. 9. And be it further enacted. That the stock of the said corporation shall be assignable and transferable according to such rules any regulations as shall be instituted in that behalf by the law, and ordinances of the same.

Dividends Sec. 10. And be it further enacted, That half yearly dividends shall be made of so much of the profits of the corporation as shall appear to the Directors advisable ; if there shall be

Persons failing to pay a failure of the payment of any part of the sum subscribed to the capital of the said corporation by any person, copartnership, or body politic, the party failing shall lose the benefit of any dividend which may have accrued prior to the time for making payment, and during the delay of the same.

Corporate name may be used after dissolution. Sec. 11. And be it further enacted, That notwithstanding the expiration of the time for which the said copartnership is created, it shall be lawful to use the corporate name, style and capacity for the purpose of suits for the final liquidation and settlement of the affairs and accounts of they said corporation, and for the sale and disposition of their estate, real, personal and mixed, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding five years after the expiration of the term of incorporation.

Private and corporate property liable for debts. Sec. 12. And be it further enacted, That for all debts and contracts by said corporation, all the goods, chattels, lands, tenements and effects, of what nature soever, belonging to said corporation, together with the private property of the stockholders, shall be liable for the payment of said debts or contracts.

Stockholders names to be recorded in county court Sec. 13. And be it further enacted, That it shall be the duty of the said incorporation, annually, to record in the County Court of Mobile county, the names of each of the stockholders of said corporation, together with the number of shares they may hold, and upon failure to perform this duty, the said charter hereby granted shall be forfeited.

Penalty May be liable after transfer Sec. 14. And be it further enacted, That each and every stockholder who shall or may transfer his stock, shall be liable for all the debts and contracts of said incorporation, until he shall cause the act of transfer to be recorded in the office of said clerk.

Approved, January 15, 1830.

# AN ACT

To incorporate the Library Society of the Bench and Bar of the Supreme Court of Alabama

Section 1. Be it enacted by the Senate and House of Representatives of the State Alabama in General Assembly convened,

Corporation created. That the judges and members of the bar of the Supreme Court, and others, who have associated themselves together at Tuscaloosa, for the purpose of establishing a Supreme Court Library, be, and they and their successors are hereby created a

Style body politic and corporate, in law, under the name and style of



the Library Society of the Bench and Bar of the Supreme Court of Alabama, for the purpose of having, owning, managing and using a library, for such uses and under such regulations as they may from time to time prescribe and adopt: and that the said society may have a common seal, which they may break, renew or alter at their pleasure; and may make contracts, sue and be sued, plead and be impleaded, in all Courts of justice; own books, monies, bonds, bills, and effects, &c. and generally do permit, and suffer all such acts, and have all such powers and privileges as are necessary to carry fully into effect the objects of said society.

Sec. 2. And be it further enacted, That the said society shall have power to appoint all such officers as they may deem necessary and in such manner and at such times as they may think fit; and that they may make such rules, regulations and by-laws as they may think proper, for the government of said society, and of its funds and effects, not repugnant to the constitutions and laws of this State, nor of the United States; which rules &c. shall, when so made, have force and validity: Provided, that this act shall not be so construed as to authorize said society to exercise banking powers.

Sec. 3. And be it further enacted, That the appropriation made the present session of the Legislature to increase said Library, shall be drawn by the Librarian on the warrant of the Comptroller: and that the true intent and meaning of said act making said appropriation, was and is, that the members of the Legislature, and the Executive officers, should have the same right to the use of the books of said Library as the members of said company now have, and no other rights of the society.

use the books

Sec. 4. And be it further enacted, That this act shall be deemed, held and taken to be a public act.

Approved, January 16, 1830.

#### AN ACT

For the payment of Benjamin M. Bradford and Jack Shackelford, for stationary, printing and other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of seven hundred and fifty dollars be, and the same shall be appropriated to Benjamin M. Bradford and Jack Shackelford, Register and Receiver of the Land Office at Courtland, out of any money arising from, or that may have been received from any lands that have been or may hereafter be subject to entry in the said Land Office, as a compensation for stationary, printing, maps, iron chest and other articles by them procured for the use of the said office.

Sec. 2. And be it further enacted, That the Comptroller be and he is hereby required to draw his check upon the Cashier of the Bank of the State of Alabama in favor of said Register and Receiver for the amount hereby appropriated.

Approved, January 16, 1830

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Powers

May appoint  
officers  
Make bye-  
laws

Proviso

Librarian to  
draw appro-  
priation

Members of  
the Legisla-  
ture and State  
officers may

Appropriation to B. M.  
Bradford and  
Jack Shack-  
elford.

## AN ACT

For the benefit of the estate of Charles King, deceased.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Grant to W That a preference right to become the purchaser of the west  
E Philips and half of the south west quarter of section number fifteen,  
C. J. King ad- township number five and range number three, west of the  
ministrators basis meridian at Huntsville, is hereby granted to William E.

Philips and Calvin J. King the administrators of the estate  
of Charles King, deceased ; and the said administrators are  
hereby, authorized to enter said land at the price of one dollar  
and twenty-five cents per acre, in the same manner and under  
the same regulations as if they had been returned occupants of  
said land by the commissioners appointed under the act enti-  
tled an act to enable the State of Alabama to sell and dispose  
of certain land therein named, Provided, said administrators  
shall file their affidavit that they enter said land for the bene-  
fit of the estate of said deceased. Approved, January 7, 1830

Proviso

## AN ACT

To extend the time for final settlement of the accounts of the tax collector  
of Morgan county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

J. Ferguson That James Ferguson, tax collector of Morgan county, be, al-  
lowed till lowed until the first day of March next to make final settlement  
1st of March with the Comptroller of his accounts as collector for said coun-  
to settle his ty, the year one thousand eight hundred and twenty-nine.

accounts as Sec. 2. And be it further enacted, That no vacancy shall oc-  
tax collector. cur in the office of tax collector of Morgan county for the year  
one thousand eight hundred and thirty ; and the said James  
Ferguson shall be entitled to said office as he would be if final  
settlement was made by the first day of January next.

Approved, January 15, 1830.

## AN ACT

AN ACT to establish the permanent seat of justice in Dale county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Dalesville That from and after the passage of this act, the seat of justice  
seat of justice of Dale county be and the same is hereby permanently esta-  
blished at Dalesville. Approved, January 15, 1830.

## AN ACT

AN ACT amendatory of the laws of this State on the subject of elections  
of Members of the General Assembly.

Governor in Section 1. Be it enacted by the Senate and House of Repre-  
case of vacan- sentatives of the State of Alabama in General Assembly convened,  
cy during the That in case of any vacancy which may now exist or that may  
session may hereafter arise in either branch of the General Assembly, by  
order an elec- death, resignation or otherwise, within sixty days before the  
tion by giving meeting of the legislature or during, its session, the Governor,  
ten days no- or person exercising the duties of that office, may issue writs, of  
tice. think election to fill such vacancy, by giving such notice as he may  
proper, not less than ten days, which election shall in all

other respects be governed by the laws of this State on that.  
subject.

Approved, December 11, 1829

## AN ACT

Making appropriation for the payment of certain claims against the State of Alabama.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That four hundred and twenty-nine dollars , of any money in the treasury not otherwise appropriated, be set apart for the payment of Moulder Ragsdale, of St. Clair county, and John A. Chapman of Shelby county, who were appointed by the courts of roads and revenue of St. Clair and Shelby counties to take the census of the Indians residing within the limits of their respective counties.

Appropriation to M. Ragsdale and J. A. Chapman

Sec. 2. And be it further enacted, That it shall be the duty of the Comptroller of public accounts, to issue his warrant upon the Treasurer in favor of either of the above named persons, for the sum of three dollars per day, for each and every day that the court of roads and revenue of the proper county shall certify to have been necessary for that purpose, and upon the oath of the applicant that he was necessarily engaged the time for which he presents his claim.

Per diem allowance to Ragsdale and Chapman

Approved, November 20, 1829.

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AN ACT

1830

Making appropriation for the payment of certain claims against the State of Alabama —

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That one hundred and eighty dollars of any money in the treasury not otherwise appropriated be set apart for the payment of Edward Augustus McBride, of Montgomery county, who was appointed by the courts of roads and revenue of Montgomery county, for the purpose of taking the census of the Indians residing within the limits of said county.

Appropriation to E. A. McBride

Sec. 2. And be it further enacted, That it shall be the duty of the Comptroller of public accounts to issue his warrant in favor of the said McBride, for the sum of three dollars per day for each day that the court of roads and revenue of said county shall certify to have been necessary for that purpose, and upon the oath of the said McBride, that he was necessarily engaged for the time of which he presents his claim.

Per diem allowance to McBride

Sec. 3. And be it further enacted, That five hundred dollars be, and the same is hereby appropriated to Henry Minor to be paid out of any monies in the treasury not otherwise appropriated , it being for a certain number of copies of Reports of the Decisions of the Supreme Court, deposited in the Secretary's office, in conformity with an act passed January the fifteenth, eighteen hundred and twenty-nine.

Appropriation to H. Minor

Approved, January 1, 1830

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AN ACT

Making appropriations for the year eighteen hundred and thirty  
Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the following sums of money be, and they are hereby appropriated to defray the expenses of the civil list, and other





—	necessary charges upon the Government, namely: For the
Appropriation for Gov-	payment of the annual salary of the Governor of this State,
Sec'y of State	two thousand dollars; for the payment of the annual salaries
Comptroller	of the Secretary of State, Comptroller and Treasurer, one
Treasurer	thousand dollars each, making three thousand dollars; for the
Judges	payment of the annual salaries of the Judges of the Circuit
	Courts, each seventeen hundred and fifty dollars; for the
Attorney General	twelve thousand two hundred and fifty dollars; for the
	payment of the annual salary of the Attorney General four
Solicitors	hundred and twenty-five dollars; for the payment of the
	annual salary of the Solicitor of the first judicial circuit
	three hundred and fifty dollars; for the payment of
	the annual salaries of the Solicitors of the second, fourth
	fifth, sixth and seventh judicial circuits, two hundred and fifty
	dollars each, making the sum of twelve hundred and fifty
Adjutant General	dollars; for the payment of the annual salary of the Adjutant
	General, the sum of one hundred dollars; for the payment of
	the annual salary of the Quarter Master General, the sum of
Quarter Master General.	two hundred dollars; for the payment of the Secretary of the
Sec'y of Senate and cl'k	Senate and Clerk of the House of Representatives, each seven
of H. of Reps	dollars per day; for the payment of the Assistant Secretary of
Ass't clerks.	the Senate and the Assistant and Engrossing Clerks of the
Door keepers	House of Representatives, each five dollars per day; for the
	payment of the Doorkeepers of the Senate and House of Re-
	presentatives, each the sum of four dollars per day; to be
	paid out of any money in the treasury not otherwise appro-
	priated.
Contingent fund	Sec. 2. And be it further enacted, That the sum of two
	thousand dollars be, and the same is hereby appropriated and
	set apart as a contingent fund, subject to the Governor's draft.
Sec'y of Senate	Sec. 3. And be it further enacted, That the sum of one
	hundred dollars be, and is hereby appropriated to the payment
	of the Secretary of Senate for completing the journals and
	arranging the papers of the Senate; and the sum of one hun-
	dred dollars be, and the same is hereby appropriated to the
Clerk of H. of Rep's	Clerk of the House of Representatives for completing and
Sec'y of State	arranging the papers of the House of Representatives.
	Sec. 4. And be it further enacted, That the sum of two hun-
	dred and seventy-five dollars be, and the same is hereby ap-
	propriated to the payment of the Secretary of State for copy-
	ing and making an index to the laws , for copying the journal
	of each House of the General Assembly for the present ses-
	sion, preparing the whole for press and superintending the
	printing of the same; and that the sum of two hundred and
	fifty dollars be appropriated and allowed to the Comptroller
	of public accounts for Clerk hire during the present year.
State printers	Sec. 5. And be it further enacted, That the sum of two
	thousand five hundred dollars be, and the same is hereby ap-
	propriated to the payment of the annual salary of the State
	Printers for the present year.
James Rather	Sec. 6. And be it further enacted, That the sum of one
	hundred and seven dollars and fifty cents be, and the same is

hereby appropriated to the payment of James Rather for his services as messenger of the joint committee appointed to investigate the conduct of the Commissioners to select, class and value four hundred thousand acres of land, &c. and the sum of one hundred and fifty-six dollars to the payment of Thomas J. Abbott, for his services as clerk of the said committee; and the sum of twenty dollars be, and the same is hereby appropriated to the payment of George C. King, for his attendance as a witness before the said committee; all to be paid out of any monies in the treasury not otherwise appropriated.

—  
T. J. Abbot.

G .C. King

Sec. 7. And be it further enacted, That the sum of sixteen dollars be , and the same is hereby appropriated to the payment of James Rather, for his services as messenger to the commissioners appointed to superintend the erection of the State Capitol ; to be paid out of any monies in the treasury not otherwise appropriated.

James Rather

Sec. 8. And be it further enacted, That the sum of five thousand dollars be, and the same is hereby appropriated in addition to the appropriation heretofore made this session , to be paid out of any monies in the treasury not otherwise appropriated, for the payment of the Members of this General Assembly.

Members of  
General As

Approved, January 20, 1830      sembly

#### AN ACT

Making appropriations for the payment of certain claims against the State.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the following sums be, and the same are hereby appropriated for the payment of certain persons herein named for the furnishing provisions for prisoners confined in the jails of their respective counties; and for removing prisons by order of court, to wit: William Howson, jailer of Madison county, For jailer of four hundred and ninety dollars; to Fielden L. White, jailer of Madison Madison county, one hundred and eighteen dollars and eighty cents; to T. L. Toulmin, sheriff of Mobile county, four hundred Sh'ff Mobile and sixty-three dollars; to Benjamin Dorman, sheriff of Greene Sh'ff Greene county, two hundred and twenty-five dollars and forty-five cents; to Edward Ellis, jailer of Montgomery county, thirty- Jailer Mont- three dollars and twenty cents; to John Welsh, jailer of Perry gomery. county, ninety seven dollars and sixty cents; to David Frasier, Jailer Perry jailer of St. Clair county, two hundred and ninety-eight dollars Jailer St. Clair and eighty cents; to Mark Meeks, sheriff of Fayette county, Sh'ff Fayette ninety eight dollars; to Eli Abbott, jailer of Autauga county Ja'lr Autauga thirty-eight dollars and forty cents; to James Bevil, jailer of Ja'lr Fayette Fayette county, ten dollars; to John Boulter, sheriff of Clarke Sh'ff Clarke county, forty dollars; to Jacob D. Shelly, sheriff of Shelby Sh'ff Shelby county fifty-six dollars and forty cents ; to Michael Shaffer, jailer of Blount county , two dollars and eighty cents; to Aaron Ja'lr Blount Redus, jailer of Limestone county, one hundred and three dol- Ja' Limestone lars and sixty cents; to John Grigg, sheriff of Lawrence county Sh'ff Law'nce four hundred and fifty dollars; to William Y. Higgins, jailer of Ja' Montg'ry Montgomery county one hundred and thirty-two dollars and

Sh'ff Shelby  
Sh'ff Franklin

Sh'ff Walker

Sh'ff St. Clair

Jailer Monroe

M D Thom-  
ason

Sh'ff Dallas  
Lauderdale  
Limestone  
Baldwin  
Bibb  
Walker  
Washington  
Fayette  
Conecuh  
Blount  
Covington  
Clarke  
Franklin  
Shelby  
St. Clair  
Marion  
Lawrence  
Morgan  
Butler  
Greene  
Perry

forty cents; to Ezekiel Henry, sheriff of Shelby county, thirty-nine dollars and thirty four cents; to Anderson Bean, sheriff of Franklin county, for removing David M. Smithson one hundred and thirty miles, ninety-one dollars and twenty-seven cents; to Elisha Duvall, sheriff of Walker county, for taking David M. Smithson charge with murder from Walker court house to Russellville, and James and Elisha Payne, upon a charge of horse stealing, two hundred and fifty-eight dollars and seventy-five cents; to John Massey, deputy sheriff of St. Clair county, for taking three Indians, charge with horse stealing from Moulton to St. Clair county, eighty-seven dollars and twenty-five cents.

Sec. 2. And be it further enacted, That the sum of seven hundred and forty-eight dollars and seventy cents, be and the same is hereby appropriated for the payment of Camel Sharp, jailer of Monroe county: Provided, the Comptroller of public accounts shall not issue his warrant for the same, until the said Camel Sharp shall have his accounts proven and certified by the Circuit Court of Monroe county as required by law, or so much thereof as shall be allowed by said Court.

Sec. 3. And be it further enacted, That the sum of one hundred dollars , be and the same is hereby appropriated for the payment of Matthew D. Thomason, being his salary as Quarter Master General, for the year eighteen hundred and twenty six.

Sec. 4. And be it further enacted, That the following sums be, and the same are hereby appropriated for the payment of certain persons herein named for making returns of the elections for electors for President and Vice President and for members to Congress, to wit: Carter B. Harrison, sheriff of Dallas county, fifteen dollars and twenty-five cents; to Samuel Harkins, sheriff of Lauderdale county, fifteen dollars; to Ruffin Coleman, sheriff of Limestone county, six dollars; to Joseph Hall, sheriff of Baldwin county, fifteen dollars; to James W. Davis, sheriff of Bibb county, eighteen dollars; to Elisha Duvall, sheriff of Walker county, fifteen dollars; to Allen Moore sheriff of Washington county, thirty-three dollars and fifty cents; to C. C. Thompson, sheriff of Fayette county, nine dollars and twenty-five cents ; to William Lee, sheriff of Conecuh county thirty six dollars; to John Staten, sheriff of Blount county, twenty-one dollars; to James Finklea, sheriff of Covington county, eighteen dollars and twenty-five cents; to John Boulter , sheriff of Clarke county, nine dollars and twenty-five cents; to Anderson Bean, sheriff of Franklin county, forty five dollars and twenty-five cents; to Jacob D. Shelly, sheriff of Shelby county, fifteen dollars; to John S. Edwards, sheriff of St. Clair county, twenty-one dollars; to Garrett Fitzgerald, sheriff of Marion county, fifteen dollars and twenty-five cents; to George W. Conley, deputy sheriff of Lawrence county, twelve dollars and fifty cents; to J. L. Owens, sheriff of Morgan county, twenty-four dollars and twenty-five cents; to William Payne sheriff of Butler county, fifteen dollars; to Benjamin Dorman, sheriff of Greene county, twenty four dollars; to Jesse B. Nave

sheriff of Perry county, twelve dollars; to Thomas Davis, sheriff of Pickens county, twenty-four dollars and fifty cents; to T. L. Toulmin, sheriff of Mobile county, thirty-one dollars and twenty-five cents

—  
Pickens,  
Mobile

Sec. 5. And be it further enacted, That the following sums be, and the same are hereby appropriated, for the payment of certain persons herein named for publishing joint resolutions proposing amendments to the constitution of the State of Alabama, to wit: to Dandridge Fariss, fifty-six dollars; to Thomas B. Grantland, fifty-six dollars; to James Hillhouse, fifty-six dollars; to David Fulton, fifty-six dollars; to Thaddeus Sanford, eighty-seven dollars and seventy-five cents; to Thomas J. Frow, seventy-five dollars; to Philip Woodson, fifty-six dollars; to William B. Travis, ninety-one dollars; to D. Furguson, forty-five dollars; to Moseley Baker, fifty-six dollars; to Willie Conner, fifty-six dollars.

For payment  
of certain  
printers for  
adv. joint re-  
solutions.

Sec. 6. And be it further enacted, That the sum of fifty-eight dollars and fifty cents, be, and the same is hereby appropriated for the payment of Doctor Davis Moore of St. Clair county, for medical services rendered to persons confined in the jail of said county, which services were rendered by order of Judge Lipscomb.

Dr. D. Moore

Sec. 7. And be it further enacted, That the sum of three hundred and thirty-seven dollars and sixty-seven cents, be, and the same is hereby appropriated for the payment of William G. Parrish for office rent for the Comptroller, Treasurer and Secretary of State during the last year.

Wm. G. Parish

Sec. 8. And be it further enacted, That the sum of two thousand eight hundred and thirty-six dollars and twelve and a half cents be, and the same is hereby appropriated for the payment of John B. Hazard, being the amount of a judgement in favor of said Hazard, against the State of Alabama, to be paid in the notes of the Tombeckbe Bank.

J. B. Hazard

Sec. 9. And be it further enacted, That the sum of fifteen dollars be, and the same is hereby appropriated for the payment of B. G. Sims, Esq. for administering the requisite oaths of office to the members and officers of the present General Assembly

B. G. Sims

Sec. 10. And be it further enacted, That the sum of fifty dollars, be and the same is hereby appropriated for the payment of William I. Gilbert, for apprehending and prosecuting to conviction, James Martin for horse stealing.

W. I. Gilbert

Sec. 11. And be it further enacted, That the sum of one hundred and twenty-five dollars be, and the same is hereby appropriated for the payment of Charles Lewin, Quarter Master General, for house rent for the safe keeping of the public arms.

C. Lewin

Sec. 12. And be it further enacted, That the sum of three hundred dollars be, and the same is hereby appropriated for the payment of John Low, for taking the census of the Creek Indians in Pike county as required by law.

J. Low

Sec. 13. And be it further enacted, That the sum of forty

—  
J. Thompson

dollars, be, and the same is hereby appropriated for the payment of James Thompson for his services as messenger to the Committee appointed to investigate the official conduct, of Patrick Scott, Judge of the County Court of Blount county.

M T Brand  
ley & J Staton

Sec. 14. And be it further enacted, That the sum of twenty dollars, be, and the same is hereby appropriated for the payment of Mace T. Brindley and John Staton, for attending as witnesses in behalf of the State, against Patrick Scott, Judge of the County Court of Blount county.

Sec. 15. And be it further enacted, That the sum of five hundred and seventy-two dollars, seventy-eight and a half cents be, and the same are hereby appropriated for the payment of certain persons herein named for books, stationary fuel, ta-

J H Dearing  
J H & A H  
Sommerville  
D Woodruff  
And & Broth.  
H. A. Snow  
W. R. Colgin  
N Hughes  
A Lynch  
R McLaughlin  
Sims & Scott  
W Nichols  
H Perkins  
J S Fitch  
Sheriff of Jef-  
ferson

bles, chairs, benches, repairs &c. to wit: to James H. Dearing, two hundred and twenty five dollars and ten cents; to J. H. and A. H. Summerville, thirty-one dollars and seventy five cents; to D. Woodruff, six dollars thirty-seven and a half cents; to Andrews and Brothers, thirty-seven dollars and ninety-four cents; to Henry A. Snow &Cc. eight dollars and ninety-three and three fourths cents; to William R. Colgin, five dollars; to Nathan Hughs five dollars and twenty five cents ; to A. Lynch three dollars and fifty cents; to Robert McLaughlin, to dollars and seventy-five cents; to Sims and Scott, eighty dollars and twenty-five cents; to William Nichols, fifty two dollars and fifty cents; to H. Perkins, ninety-four dollars and thirty-three and a third cents; to John S. Fitch , nineteen dollars.

Sec. 16. And be it further enacted, That the sum of twelve dollars be, and the same is hereby appropriated for the payment of John B. Ayres, sheriff of Jefferson county ,for making return of the Congressional election from said county.

Sheriff of  
Tuscaloosa

Sec. 17. And be it further enacted, That the sum of one hundred and eighteen dollars , eighty-seven and a half cents be, and the same is hereby appropriated for the payment of Elias Jenkins, sheriff of Tuscaloosa county, for personal attendance on the Supreme Court, July term, eighteen hundred and twenty- nine, for house rent , servant hire &c.

John Tatom

Sec. 18. And be it further enacted, That the sum of fifty dollars, be, and the same is hereby appropriated for the payment of John Tatom, door keeper , for servant hire and extra official services performed the present session of the Legislature.

D McFarlane

Sec. 19. And be it further enacted, That the sum of forty-five dollars, be, and the same is hereby appropriated for the payment of Duglad McFarlane, for publishing the joint resolutions proposing amendments to the constitution of the State of Alabama, limiting the tenure of the Judges to six years.

D Fariss

Sec. 20. And be it further enacted, That the sum of forty-two dollars, be and the same is hereby appropriated for the payment of Dandrige Fariss, for publishing joint resolutions proposing amendments to the constitution of the State of Alabama in the year eighteen hundred and twenty-eight.

Jailer of Tus  
caloosa

Sec. 21. And be it further enacted, That the sum of one hundred and sixty two dollars, be, and the same is hereby ap-



propriated for the payment of W. A. McDaniel, jailer of Tuscaloosa county, for provisions furnished to certain prisoners confined in the jail of said county.

Sec. 22. And be it further enacted, That the sum of ninety nine dollars and thirty nine cents be, and the same is hereby appropriated for the payment of McGuire, Henry and Walker for printing the report of the examining Committee in relation to the conduct of the land Commissioners to be paid out of any money in the Treasury not otherwise appropriated.

McGuire & Co,

Sec. 23. And be it further enacted, That the sum of fifteen dollars be, and the same is hereby appropriated for the payment of Benjamin G. Sims for services as clerk to the Committee on public buildings or the examination fo the official conduct of the Superintendant of the State Capitol and for administering oaths as a justice of the peace to witness on that examination.

B G Sims

Sec. 24. And be it further enacted, That the sum of one hundred and thirty-four dollars forty-three and three fourth-cents, be and the same is hereby appropriated for the payment of John Beacham , for going to the Governor of Tennessee, demanding William Clifton, and going to Weakly county in said State, and conveying to Lawrence county the said Williams Clifton on a charge of horse stealing.

J. Beacham

Sec. 25. And be it further enacted, That the sum of one hundred and forty-two dollars and fifty cents be, and the same is hereby appropriated to the payment of Henry Norwood, sheriff of Jackson county, for victualling Charles Collier and carrying him to Huntsville on a change of venue, and making return of the Congressional election.

H. Norwood

Sec. 26. And be it further enacted, That the sum of three hundred and eleven dollars, eighty-seven and a half cents, be and the same is hereby appropriated to George W Sneed of Lauderdale, for provisions furnished prisoners in the jail of said county, and taking James Kain to Moulton on a change of venue.

G. W. Sneed

Sec. 27. And be it further enacted, That the sum of eighty dollars and forty cents be, and the same is hereby appropriated to the payment of John Dickey of Lauderdale county for provisions furnished certain prisoners in the jail of said county.

John Dickey

Sec. 28. And be it further enacted, That the sum of forty six dollars be, and the same is hereby appropriated to Jesse B. Roberts for conveying to the jail of Limestone county, Elisha B. Smoot and Catharine Rice on a charge of murder.

J. B. Roberts

Sec. 29. And be it further enacted, That the sum of seventy-five dollars and sixty cents, be, and the same is hereby appropriated to the payment of Thomas G. Hutchinson, jailer of St. Clair county, for provisions furnished prisoners in the jail of said county.

T. G. Hutchinson

Sec. 30. And be it further enacted, That the sum of forty dollars and twelve and a half cents be, and the same is hereby appropriated to the payment of Alexander Turner, for making

Alex Turner



— return of the Congressional election, including ferriage, for the county of Henry.

John Turner Sec. 31. And be it further enacted, That the sum of thirty-four dollars be, and the same is hereby appropriated to the payment of John Turner for making return of the Congressional election of the county of Dale.

J. H. Gorman Sec. 32. And be it further enacted, That the sum of forty-five dollars and fifty cents, be and the same is hereby appropriated for the payment of James H. Gorman, for making returns of the Congressional election for the county of Autauga, including ferriage while thus engaged.

Hampton and Mitchell Sec. 33. And be it further enacted, That the sum of eighteen dollars be, and the same is hereby appropriated to the payment of Hampton and Mitchell, for printing five hundred copies of the report of the Committee appointed by the Senate to investigate the conduct of the Land Commissioners

J. H. Dearing Sec. 34. And be it further enacted, That the sum of one hundred and fifty-five dollars, ninety-three and three fourth cents be and the same is hereby appropriated to the payment of James H. Dearing & C. including thirteen dollars, twelve and a half cents omitted in January, eighteen hundred and twenty-nine all for stationary furnished the present session except the above mentioned item.

R. McLaughlin, Sec. 35. And be it further enacted, That the sum of seven dollars, eighty-seven and a half cents be, and the same is hereby appropriated to the payment of Robert McLaughlin for repairs to locks on tables.

J S Fitch Sec. 36. And be it further enacted, That the sum of four dollars and fifty cents, be, and the same is hereby appropriated to the payment of John S. Fitch, for one dozen spit boxes.

Sommervill's Sec. 37. And be it further enacted, That the sum of twenty-five dollars, be, and the same is hereby appropriated to the payment of J. H. and A. H. Summerville, for stationary furnished at the present session.

Sims & Scott Sec. 38. And be it further enacted, That the sum of twenty-five dollars, twelve and a half cents, be, and the same is hereby appropriated to the payment of Sims and Scott for candles furnished at the present session.

W Nichols Sec. 39 And be it further enacted, That the sum of ten dollars and fifty cents, be, and the same is hereby appropriated to the payment of William Nichols for the President's table and table furnished the Secretary of the Senate, and table furnished the conference room.

T. Blackstone Sec. 40. And be it further enacted, That the sum of six dollars be, and the same is hereby appropriated to the payment of Thomas Blackstone for his attendance as judge advocate, on the trial of Col. William Matthews, of the twenty-fifth regiment of Alabama militia.

S. B. Ewing Sec. 41. And be it further enacted, That the sum of three dollars be, and the same is hereby appropriated to the payment of Samuel B. Ewing, for an axe furnished for the use of the Senate the present session.

Sec. 42. And be it further enacted, That the sum of eight dollars, be, and the same is hereby appropriated to the payment of Thomas J. Abbott, for his services as clerk to the joint committee of the two Houses, for his services in investigating the returns of the amendment to the constitution, in regard to the lecture of the Judges.

—  
T J Abbott

Sec. 43. And be it further enacted, That the sum of forty dollars be, and the same is hereby appropriated to the payment of James A. Bates, for servant hire at the present session

J A Bates

J B Ayres

Sec. 44. And be it further enacted, That the sum of twelve dollars, be, and the same is hereby appropriated to the payment of John B. Ayres, sheriff of Jefferson county, for making return of the election of President and Vice President of the United States in eighteen hundred and twenty-eight.

Approved, January 20, 1830.

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#### AN ACT

To authorize Daniel Fields, and his associates to turnpike a Road in the county of Blount

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Daniel Fields and his associates, be, and they are hereby authorized to turnpike a road leading from Edward & Co. Cox's in Blount county, and to terminate at the foot of the mountain in Morgan county; and that the said road shall be opened twenty feet wide, fourteen feet of which shall be cleared of stumps, and trees cut down within four inches of the ground, and all grubbs and root removed the sloping ground and banks of creeks to be so cut down and levelled as to be safe and easy for the passage of horsemen, carriages &c. all marshes, swamps and creeks to be causewayed or bridged, with ditches on each side of causeways when necessary.

Daniel Fields  
author-  
ized to turn-  
pike a certain  
road.  
Width &c

Sec. 2. And be it further enacted, That Nathan Bagley and Edward Cox, be, and they are hereby appointed commissioners to view and examine the condition of said road, three times in each year, and report the condition of said road to the County Court of Blount county; and so soon as said Daniel Fields and his associates shall have put said road in such repair as they shall think complies with the requisitions of this act, they are hereby authorized to call on said commissioners, whose duty it shall be to view the situation of said road, and report the same to their County Court; and if said commissioners should recommend the erection of a gate, the judge shall cause an order to be made authorizing the same and the clerk of said County Court shall, on demand, deliver to said Daniel Fields and his associates, a copy of said order, which shall be authority to them to erect a gate on said road, and receive the following toll for passing the same, to wit: for each loaded wagon and team, fifty cents; for each empty wagon and team, thirty-seven, and a half cents; for each loaded cart, twenty-five cents; for each empty cart, twenty-five cents; for each four wheeled pleasure carriage, fifty cents; for each two wheeled pleasure carriage, twenty-five

Commission-  
ers appointed

To report  
condition of  
road

Toll gate.

Rates of toll

cents; for each carryall or dearborn , twenty-five cents; for a man and horse, twelve and a half cents; for each led or loose horse, six and a fourth cents; for each head of cattle one cent; for each head of hogs, sheep or goats, one cent:

Proviso Provided, that nothing in this act shall authorize said Daniel Fields and his associates, to demand toll of the carrier of the

Who exempt United States' mail, or from persons bearing express to or from toll. from officers or troops of the United States, or any of the States , or of persons travelling on foot, or of jurors, or state's witnesses, going to or returning from any Court, or persons going to or returning from any public muster, court martial, election , or any place of divine worship.

Sec. 3. And be it further enacted, That whenever the Judge

Penalty for of the County Court of Blount county shall be informed, in keeping road direct terms, by any one of said commissioners, or by any out of repair. other person on oath, subscribed by the party giving such information that said road or any part thereof is out of repair, said judge shall forthwith notify said Daniel Fields, or either of his associates, of that fact, and require of him, or either of his associates, without delay to repair the same, and his failing so to do , within a reasonable time, said judge shall order a review of the said road, by the commissioners and should said commissioners find such breach actually to exist, they shall open the gate and report accordingly to said judge; and said commissioners shall receive two dollars per day while in such service, to be paid by the said Daniel Fields and his associates, on the production of the order of said judge, to be made to that effect; and should the said Daniel Fields and associates , by themselves or agent, receive any toll before the

For receiving toll when out of repair. road shall have been repaired and received by the Court or judge thereof, as directed by the third section of this act, they shall forfeit and pay five dollars for every such offence, to any person who will sue for the same.

Sec. 4. And be it further enacted, That said road shall be put

When to be completed in repair as required by this act, within two years from the first day of March, otherwise all the rights and privileges granted by this act, shall be forfeited; and should the said Daniel Fields and associates, for two months at any time, refuse to repair said road, after the gates shall have been opened by said commissioners, under the direction of the Court, in pursuance of the provision of this act, all the rights and privileges herein to them granted, shall be forfeited.

Sec. 5. And be it further enacted, That the said Daniel

Articles of Fields and his associates, shall, within six months after the agreement passage of this act, present to the judge and road commissioners for the county of Blount, their article of agreement and where to be association, which shall be duly recorded by the clerk of said recorded. Court; and the said Daniel Fields and his associates , shall give bond, payable to the judge of the County Court for the Bond to be county of Blount, and his successors in office, in such amount given and security, as shall be as satisfactory to the said judge and commissioners, for the performance of their undertaking ac-

Sec. 6. And be it further enacted, That the said Daniel Fields and his associates , shall be entitled to all the privileges and immunities hereby granted, for and during the term of ten years from the passage of this act.

—  
Right granted  
for ten years.

Sec. 7. And be it further enacted, That if any person shall attempt to evade the payment of any toll or tolls allowed by this act, by passing through the gate, authorized by this act to be set up, arbitrarily, or having passed refuse or neglect to pay the toll allowed in said act or pass round the said gate, such person or persons, so offending shall pay to the said Daniel Fields and his associates, his or their agent, the sum of five dollars for every such offence, recoverable by any justice of the peace in this State having cognizance thereof.

Penalty for  
avoiding toll

Sec. 8. And be it further enacted, That any person or persons who shall, in any manner whatever, impair , or in any manner whatever obstruct the said road, either before or after its completion, such person or persons, on conviction before any justice of the peace for this state, having cognizance thereof, shall pay to the said Daniel Fields and his associates, or to his or their agent, the sum or sums of money, or suffer such other fines and forfeitures as are or may be assessed or inflicted by the laws of this state regulating public highways.

For obstruct  
ing road

Sec. 9. And be it further enacted, That in the event of the death, resignation or refusal to act, of either or all of the commissioners appointed by this act, it shall be the duty of the judge of the County Court of Blount county, to fill such vacancy or vacancies; and the commissioners so appointed shall have all the powers vested by this act in the original commissioners: Provided that nothing in this act shall be so construed as to authorize the proprietors aforesaid to exercise banking powers.

Vacancies  
how filled

Approved, January 16, 1830

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AN ACT

Appointing Commissioners to mark out a Road through that part of Pike county now occupied by the Greek Indians, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Samuel Swilley, Samuel G. B. Adams, John Purify John Windham and William Head, be and they are hereby appointed commissioners to mark out a road, commencing at or near Daniel Lewis' in Pike county, thence, the nearest and best route, to the Chattahoochie river.

Commission-  
ers appointed  
to mark out a  
road from D  
Lewis in Pike  
county to the  
Chattahoo-  
chie.

Sec. 2. And be it further enacted, That the above named commissioners shall have power to appoint an overseer or overseers, and apportion all the hands living within seven miles of the commencement of said road, other than Indians; and the said overseer shall require the hands so apportioned to work on said road four days in each and every year, upon his giving ten days notice to said hands, of the time and place when and where to meet , which four days shall be deducted from the ten days which the said hands are required by law to work on other roads.

To appoint  
overseers and  
apportion  
hands.  
Hands to  
work on road  
four days

1830.

64

Penalty for  
refusing to  
work on road

Sec. 3. And be it further enacted, That any person appor-  
tioned as above, who shall neglect or refuse to work, shall be  
subject to the same laws, and shall be proceeded against in  
the same manner, as is now provided by law, against default-  
ers, neglecting or refusing to work on roads.

Commission-  
ers to point  
out one mile  
upon the  
west bank of  
the river for  
the use of the  
citizens of  
Pike.

Sec. 4. And be it further enacted, That the said commis-  
sioners shall designate one mile upon the west bank of said  
river, and one mile back from the same , for the use of the  
citizens of the said county of Pike, for the purpose of erecting  
thereon, warehouses, wharfs, and doing all other things ne-  
cessary for the transportation, receiving and keeping safe, all  
and every species of merchandize: Provided, that the said  
place, so designated, shall not include any Indian settlement  
within its limits.

Proviso.  
When to take  
effect

Sec. 5. And be it further enacted, That this act shall take  
effect and be in force, from and after the passage thereof.

Approved, January 20, 1830

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AN ACT

To establish a Turnpike Road therein mentioned

From Mars-  
ton Meads to  
E P Walls'

Section 1. Be it enacted by the Senate and House of Represen-  
tatives of the State of Alabama in General Assembly convened,  
That a turnpike road leading from Marston Mead's in Blount  
county, by the nearest and best route to Ezekiel P. Wallis'  
at the foot of the Cumberland mountain, on the route to  
Ditto's Landing, be, and the same is hereby established.

R H Rogers  
& Co. author-  
ized.

Sec. 2. And be it further enacted, That Robert H. Rogers  
Yelverton C. Woodward and their associates be, and they are  
hereby authorized and empowered to lay out and open said  
road, by the most eligible route which they have or may  
hereafter discover.

To erect toll  
gate.

Sec. 3. And be it further enacted, That the said Robert  
H. Rogers and his associates, be, and they are hereby au-  
thorized so soon as they shall have laid out and completed  
the said road as hereinafter required, to erect a turnpike  
gate thereon, and demand and receive of and from each  
and every person who shall or may travel on said road, and

Rates of toll

pass through the said gate, for every four wheeled carriage  
seventy-five cents; for every two wheeled carriage twenty-  
five cents; for every man and horse twelve and a half cents;  
for every horse or mule four cents; for every head of cattle  
two cents ; for every head of sheep, hogs or goats one cent;  
Provided, that nothing in this act shall be so construed, as  
to authorized the said Robert H. Rogers and his associated,  
to erect a turnpike gate on said road, until the same shall be  
cut out twenty feet wide, twelve feet of which shall be  
grubbed , and all banks of creeks and hills put in such order  
that loaded wagons can pass with convenience: Provided,  
that the said proprietors are required to cause the said road  
to be worked on in its whole extent and put in safe, passable  
condition for wagons, carriages and horsemen.

Proviso

Sec. 4. And be it further enacted, That the said Robert H. Rogers and his associates, are hereby authorized to establish a turnpike gate at any place on said road they may deem necessary, on that part of the road lying in Blount county, and if any person shall pass round or through said gate, with intent to avoid the payment of toll, he or she shall, for every such offence, forfeit and pay to the said Robert H. Rogers and his associates, treble the amount which his, her or their toll would have been to be recovered before any justice of the peace, with legal costs for the same.

Sec. 5. And be it further enacted That John Yeilding, David Bush, and Daniel Fields be, and they are hereby appointed commissioners, who shall review said road established by virtue of this act, and they or a majority of them shall decide, whether , in their opinion , the road is completed so as to authorize the reception of toll; and if, in the opinion of said commissioners, the road is not in good and complete order, as prescribed by this act, they shall direct the turnpike gate to be opened; and no toll shall be demanded or received, under the penalty of twenty dollars for each offence, recoverable before any justice of the peace with legal costs. and the said commissioners appointed by virtue of this act, shall receive such compensation as the County Court of Blount may direct to be paid by the said Robert H. Rogers and his associates: Provided, that whenever the Judge of the County Court of Morgan or Blount county, shall be informed in direct terms by unquestionable authority, that any part of the said road is out of order or repair, such Judge shall forthwith notify the proprietors, their agent or agents of this fact and shall require them without delay to repair the same as directed by this act, and on failure to do so in a reasonable time, such Judge , or either of them, shall order a review of said road by three competent commissioners, appointed by the said Court to examine the said road, and should the said road be out of order and repair, then they shall open the toll gate and report accordingly to the Court by which they may have been appointed, and should the proprietors or their agents receive any toll before the said road shall be repaired, and received by the commissioners appointed by said Court, they shall forfeit and pay to any person suing for the same, five dollars for every such offence, to be recovered before any justice of the peace in Morgan or Blount counties.

Sec. 6. And be it further enacted That the said Robert H. Rogers and his associates, shall commence the said road within twelve months after the passage of this act, and the same shall be completed within three years thereafter, or forfeit their right hereby granted, and the said Robert H. Rogers, and his associates shall have all benefits and profits arising from the tolls as aforesaid, for the period of ten years from the completion of said road.

Approved, January 7, 1830

——  
To put up a  
gate on any  
part of road  
in Blount  
Penalty for  
avoiding toll

Commission-  
ers appointed  
to review  
road

Gates to be  
opened when  
road is bad.  
Penalty

Compensa-  
tion  
Proviso

When to  
commence  
and complete  
road  
  
Right for ten  
years.

## AN ACT

To appoint Commissioners to mark and lay out a certain road therein specified.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Commissioners appointed That William Young, of Greene, Samuel Strudwrick of Marengo, Dabney Edwards of Clarke, Daniel Coleman of Washington, and Thomas G. Newbolt and Henry Centre of Mobile counties, or a majority of them, be and they are hereby appointed commissioners to view and mark out a way for a state road, to commence at a point on the state road leading from Tuscaloosa to Claiborne, at or near the town of Greensborough running from thence, the best, nearest and most direct route the nature of the country will admit of; passing by Linden. thence to Coffeetown; thence the most direct route, that is practicable for carriages in high stages of water, to Mobile.

Oath Sec. 2. And be it further enacted, That before the commissioners enter on the duties herein assigned to them, they shall take and subscribe the following oath, viz: I \_\_\_\_\_ will truly and faithfully to the best of my judgement and knowledge, view, mark out and report the best and most direct way for a road to lead from a point commencing on the state road leading from Tuscaloosa to Claiborne, at or near the town of Greensborough, from thence the nearest and best route the country will admit of, by Linden and Coffeetown, thence the most direct route to Mobile, which is practicable for the passage of carriages in high stages of water, in conformity to the act under which I am commissioned, so help me

Certificate of God; which certificate of oath shall be transmitted by the judge of the peace administering the same, to the clerk of the Circuit Court of the county wherein the said commissioner resides, for safe keeping, and it shall be the duty of said commissioners after completing said view, to make out a report of the same, together with such observations respecting the water courses and other obstructions on the route they shall have marked off, together with their opinion of the best mode of clearing and opening the said road, and the

Commissioners to report probable expense thereof, which report they shall transmit to the Governor for his approval to act on as hereinafter requested.

Vacancies how filled Sec. 3. And be it further enacted, That if any vacancy shall take place by decease or refusal to act, by those herein appointed, such vacancy shall be filled by the judge of the County Court, or the county wherein the person creating the same shall reside.

When running on a road now used to report the same Sec. 4. And be it further enacted, That when the commissioners, when marking off the way, run on a road now used, they shall report the same, as far as such road runs on the route they may determine to mark off, describing the situation of such road.

Compensation shall receive as a compensation for their services on making

such report and view, the sum of three dollars per day, for each and every day in which they may be engaged, in viewing and marking said road, to be paid out of the revenue of the three per cent fund.

Sec. 6. And be it further enacted, That so soon as the report is made by the commissioners, and received and approved of by the Governor, he shall transmit an account of the same, to the Judges of the County Courts of the counties through which the said road shall pass, and it shall be the duty of the Judges of said counties, as soon after as possible, to lay off said road into precincts and appoint apportioners to apportion the hands to open and clear out said road, and all persons living within five miles of the same, liable by law to work on public roads, shall be apportioned to work on said road.

Sec. 7. And be it further enacted, That it shall be the duty of the said commissioners, to meet at Coffeetown, and proceed to discharge the duties herein prescribed, either by dividing themselves into two companies, or to act together, as to them shall seem most expedient, as soon as practicable, and that when they have so performed their duties, they shall convene together and make out their report agreeably to the provisions of this act.

Sec. 8. And be it further enacted, That the commissioners appointed by virtue of this act, be, and they are hereby directed to make a detailed report to the next General Assembly, during the first week of its session, shewing the route they may select for said road, the distance they have marked out the same, the nature of the soil over which the same may pass the number of creeks thereon necessary to be bridged, and the number of persons residing convenient to said road, and the probable ability of such persons to open and keep the same in repair.

Approved, January 20, 1830.

#### AN ACT

To authorize James Davis, and associates, to turnpike a certain road therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That James Davis, John and George Sutherland, David Goodloe, and their associates, be, and they are authorized to turnpike the military road, commencing at the bridge on Spring Creek, where the military road crosses the same in the county of Franklin; thence along said road to the Good Spring, near the three mile post, north of the town of Russellville; that said road shall be opened twenty feet wide, fourteen feet of which shall be cleared of stumps and trees, cut down level with the ground, and all grubs and roots removed; the sloping ground and banks of creeks to be cut down and levelled, as to be safe and easy for the passage of horsemen, carriages, and so forth; and all marshes, swamps and creeks to be causewayed, or bridged, with ditches on each side of causeway when necessary.

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Governor to  
transmit an  
account of  
report to cer-  
tain county  
court judges,  
who shall lay  
off road into  
precincts and  
apportion  
hands.  
Commission-  
ers to meet at  
Coffeetown.

To make re-  
port to next  
General As-  
sembly.

James Davis  
and associates  
authorized to  
turnpike a  
certain road

Width &c.



-----

Sec. 2. And be it further enacted, That David Keller, James

Ramsay and John Cook, of Franklin county, be, and they are

Com'rs ap hereby appointed commissioners, to review and examine the  
 pointed to condition of said road, three times in each year, if they should  
 examine road deem it necessary, and report other condition of said road to

and report the Judge of the County Court of Franklin, and so soon as

condition to James Davis, John and George Sutherland, David Goodloe,

the judge and their associates, shall have put said road in such repair

county court. as they shall think complies with the requisitions of this act,

they are hereby authorized to call on the said commissioners,

whose duty it shall be to review the situation of said road,

and report the same to the Judge of the County court; and if

said commissioners shall recommend the erection of a gate,

the Judge shall cause an order to be made, authorizing the

same, and the clerk of said County Court shall, on demand,

deliver to the said James Davis, John and George Suther-

land, and David Goodloe, and their associates, a copy of said

Toll gate. order, which shall be authority for them to erect a gate on

said road, between the foot of the mountain, south of said

bridge on Spring creek, and the said three mile post north of

Rates of toll. Russellville and receive the following toll for passing the

same, to wit: for each wagon and team, loaded, fifty cents;

for each empty wagon, thirty-seven and a half cents; for

loaded cart, twenty-five cents; for each empty cart, twelve

and a half cents; for each four wheeled pleasure carriage, fifty

cents; for each two wheeled pleasure carriage, or dearborn,

twenty-five cents; for a man and horse twelve and a half

cents; fo reach led or loose horse three cents; for each

head of cattle, two cents; for each head of hogs, sheep or

goats, one cent: Provided, that nothing herein contained shall

authorize said James Davis, John and George Sutherland,

Who exempt and David Goodloe and their associates, to demand toll of

from toll. the carrier of the United States' mail, or from persons bear-

ing expresses to or from officers or troops of the United

States, or jurors or state witnesses going to or returning

from any court, or persons going to or returning from any

public muster, courts martial, election, or place of divine

service.

Penalty for Sec. 3. And be it further enacted, That whenever the Judge

keeping the of the County Court of Franklin county, shall be informed

road out of in direct terms, by any one of said commissioners, or by any

repair. other person, on oath, subscribed by the party giving such in-

formation, that said road, or any part thereof, is out of re-

pair, said Judge shall forthwith notify said James Davis,

John and George Sutherland, David Goodloe, or either of

them, or either of their associates, of that fact, and require

either of them without delay to repair the same, and on their

failing to do so within a reasonable time, said Judge shall

order a review of said road by the commissioners; and

Commission- should said commissionrs find such breach actually to exist,

ers compen- they shall open the gate, and report accordingly to said Judge,

sation. and said commissioners shall receive two dollars per day,

while engaged in said service, to be paid by James Davis, John and George Sutherland, David Goodloe, and their associates, on the production of the order of said Judge, to be made to that effect; and should the said Davis, John and George Sutherland, David Goodloe, and their associates, by themselves or their agents, receive any toll before the road shall have been repaired and received by the Judge of the County Court aforesaid, as directed by the third section of this act, the shall forfeit and pay five dollars for every such offence, to any person who will use for the same: Provided, That on complaint by any person, other than one of said commissioners, if the report of said commissioners shall be that said road was in repair, said Judge shall on the return of said report, give judgement in favor of said commissioners against said informant, the amount of the commissioners' fees for making such review, and issue a proper process for the collection of the same.

Sec. 4. And be it further enacted, That said road shall be put in repair as required by this act, within two years from the passage thereof, otherwise all the rights and privileges granted by this act shall be forfeited; and should said Davis, John and George Sutherland, David Goodloe and their associates, for six months at any one time refuse to repair said road, after the gate shall have been opened by said commissioners under the direction of the Court, in pursuance of the provisions of this act, all the rights and privileges herein to them granted shall be forfeited.

Sec. 5. And be it further enacted, That the said Davis, John and George Sutherland, Goodloe and their associates, shall, within six months after the passage of this act, present when to be to the Judge of the County Court of said county, their articles of agreement and association, which shall be duly recorded by the clerk of said County Court; and the said Davis, John and George Sutherland, Goodloe and their associates, at the same time shall give their bond payable to the Judge of the County Court, in such amount and security as shall be satisfactory to the said Judge for their performance of their undertaking according to this act.

Sec. 6. And be it further enacted, That the said Davis, John and George Sutherland, Goodloe and their associates, shall be entitled to all the privileges and immunities hereby granted, for and during the term of ten years from the opening of the gate on said road.

Sec. 7. And be it further enacted, That if any person shall attempt to evade the payment of any toll allowed by this act, by passing through the gates authorized by said act to be set up, arbitrarily, or having passed, refuse or neglect to pay the toll allowed in said act, or pass round the gate, such person or persons so offending shall pay the said Davis, John and George Sutherland, Goodloe and their associates, or their agent, the sum of five dollars for every such offence, recoverable before any justice of the peace in this State.

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Penalty for  
receiving toll  
when road is  
out of repair.

Proviso.

When to be  
put in repair.

Articles of  
agreement

Bond to be  
given.

Right granted  
for ten years.

Penalty for  
evading toll.

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 For obstruc-      Sec. 8. And be it further enacted, That any person or persons  
 ing road.      sons, who shall in any manner whatever impair or obstruct  
                  the said road, either before or after its completion, such per-  
                  son or persons on conviction before any justice of the peace  
                  or court for said State, shall pay to the said Davis, John and  
                  George Sutherland, Goodloe, and their associates or agents  
                  such sum of money as may be an ample and full compensa-  
                  tion for the damages done said road.

Approved, January 20, 1830.

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 AN ACT

To authorize John A. Chapman, Simeon Chapman, Daniel Welch and  
 their associates to turnpike a certain road therein named.

Section 1. Be it enacted by the Senate and House of Represen-  
 tatives of the State of Alabama in General Assembly convened,

J A Chapman      That John A. Chapman, Simeon Chapman, Daniel Welch and  
 and others      their associates, be, and they are hereby authorized to open and  
 authorized to      turnpike a road, to commence on or near the west bank of the  
 turnpike a      Coosa river, at or within seven miles of Fort Williams, to run  
 certain road.      from thence the nearest and best way they have, or may here-  
                  after discover through the Creek Nation, on the nearest direc-  
                  tion towards Milledgeville in the State of Georgia, to the line  
                  between this State and the State of Georgia.

Width &c.      Sec. 2. And be it further enacted, That the aforesaid road  
                  shall be opened thirty feet wide, fourteen feet of which shall be  
                  cleared of every obstruction, stumps and grubs shall be taken  
                  up by the root or cut level with the ground; the sloping grounds  
                  and banks of water courses, shall be so worked on as to admit  
                  the easy passage of all kinds of carriages; all marshes and  
                  swamps shall be causewayed fourteen feet wide, with good du-  
                  rable materials, in a workmanlike manner, with ditches on  
                  each side.

Road when      Sec. 3. And be it further enacted, That when the said John  
 completed to      A. Chapman, Simeon Chapman, Daniel Welch and their asso-  
 be reported      ciates, shall have completed said road, and reported the same  
 to county to      the Judge of the County Court of Shelby county, it shall be  
 court.      the duty of the said Court to appoint three suitable persons,  
 Commission-      (two of whom shall be competent to act) to examine said road  
 ers to be ap-      and report their opinion to said Court, and the said commis-  
 pointed.      sioners shall receive for their services such compensation as the  
 Compensa-      said Court shall deem reasonable, to be paid by the said John  
 tion.      A. Chapman, Simeon Chapman, Daniel Welch and their acco-  
                  ciates.

Sec. 4. And be it further enacted, That should the com-  
 missioners to be appointed under the third section of this act,  
 report that the said road is in good order, then and in that case,  
 the said John A. Chapman, Simeon Chapman, Daniel Welch  
 and their associates, are hereby authorized to erect two gates  
 on said road, one on each side of the Tallapoosa river: Provided,  
 that no gate shall be erected within five miles of the Coosa river;  
 at each of which gates they may demand and receive of and from  
 every person passing each of said gates the following toll, to wit:  
 for every four wheel carriage, fifty cents; for every two wheel  
 carriage twenty-five cents; for every man and horse twelve and

a half cents; for every loose or led horse six and a fourth cents; for every head of neat cattle three cents; for every head of sheep, goats, or hogs one and a half cents; and if any person shall pass round either of said gates with the intent to avoid the payment of toll, he or she, shall, for every such offence, forfeit and pay to the said John A. Chapman, Simeon Chapman, Daniel Welch and their associates three times the amount which his or her toll would have been, to be recovered before any justice of the peace with legal costs for the same.

Sec. 5. And be it further enacted, That it shall be the duty of the judge of the County Court of Shelby county, on application, to appoint three commissioners, who shall proceed to examine the condition of said road, and report their opinion of the same to the said Court, and if in the opinion of said commissioners, the said road is not in good order, they shall direct the gates to be thrown open, and no toll shall be received under the penalty of twenty dollars for each offence until said road shall be repaired in a good and sufficient manner; and the said John A. Chapman, Simeon Chapman, Daniel Welch, and their associates shall commence said road in one year from the the passage of this act, and shall complete the same within two years thereafter, and shall have all the profits arising from tolls of the same, for the period of ten years from the time they are authorized to erect gates on said road.

Sec. 6. And be it further enacted, That if it shall become necessary to establish a ferry or ferries on said road, it shall be the duty of the commissioners' court of revenue and roads of the county through which said road may pass, and in which it may be necessary to establish such ferry or ferries, to grant to the said John A. Chapman, Simeon Chapman, Daniel Welch and their associates, a license to keep such ferry or ferries, agreeably to the provisions of the law in such case made and provided.

Approved, December 29, 1829.

#### AN ACT

To repeal in part and amend an act entitled an act to establish and improve a certain road therein mentioned, approved January 13, 1829.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be the duty of the Judge and the Commissioners of roads and revenue for the county of Monroe, to divide that part of said road which lies between the Burnt Corn creek and the northern boundary line of Baldwin county, into precincts, and appoint overseers for the same, within the time now prescribed by law.

Sec. 2. And be it further enacted, That the Judge and the Commissioners of roads and revenue for the county of Conecuh shall divide that part of said road which lies between the Burnt Corn creek and the western line of Butler county, into precincts, and appoint overseers in like manner as aforesaid; and said Courts of said counties respectively, shall keep up a succession of overseers on said road, as on other public roads.

1830.

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Repeal.

Sec. 3. And be it further enacted, That all acts and parts of acts contrary to the provisions of this act, be, and the same are hereby repealed. Approved, December 29, 1829.

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AN ACT

To revive and continue in force for three years, an act for improving the road leading from Blakeley to the upper line of Baldwin county, by way of Durant's passed sixth of January, eighteen hundred and twenty-seven.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That an act entitled an act for improving the road leading from Blakeley to the upper line of Baldwin county, by way of Durant's passed the sixth of January, eighteen hundred and twenty-seven, be, and the same is hereby revived and continued in force for three years, except so much of the second section, which applies to the revenues accruing to the treasury of Baldwin county, from fines, penalties, and forfeitures, together with twenty-five per centum of the county tax. Approved, January 20, 1830

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AN ACT

To amend an act authorizing Wyatt Cheatham to cut out and establish a turnpike road.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of an act passed on the twenty-fourth day of December, eighteen hundred and twenty-four, entitled an act to establish a certain road therein named, as prevents the said Wyatt Cheatham from setting up his gates and demanding toll upon his turnpike road, until after said road has been examined by commissioners appointed by the County Court of Lawrence county and reported to be in good order, be, and the same is hereby repealed.

Repeal in part

Comm'rs appointed to examine roaders to report to county court-Judge of court to order W Cheatham to set up his gates.

Sec. 2. And be it further enacted, Thomas Coopwood, D. G. Ligon and William Hodges be appointed commissioners to examine said road, and so soon as they shall report the same to be completed and in good order, which report shall be made to the Judge of the County Court of Lawrence county, either in term time or in vacation, the said Judge shall issue to the said Wyatt Cheatham, an order authorizing him to set up his gates, and receive the rates of toll heretofore affixed by law. Approved, January 14, 1830.

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AN ACT

To amend an act passed the thirteenth day of January, eighteen hundred and twenty six, entitled an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the road leading from Florence to Athens, (established by an act of the General Assembly passed the thirteenth day of January, eighteen hundred and twenty-six,) as lies between Maxwell's hill, and the corner of Whiteworth's field, be so altered, as to run between those



points with the old road; and that the present road between the aforesaid points be discontinued.

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Sec. 2. And be it further enacted, That the road established by the first section of this act, shall be opened and kept in repair in the manner prescribed by the act to which this act is amendatory.

Approved, December 18, 1829.

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AN ACT

To repeal an act to incorporate the town of Hazlegreen, in the county of Madison, passed June the 15th 1821, and also the 12th section and so much of the 13th section of an act to alter the time of appointing overseer of roads, passed 24th December, 1824, as relates to the town of Hazlegreen.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That an act passed the fifteenth of June, eighteen hundred and twenty-one, entitled an act to incorporate the town of Hazlegreen in the county of Madison, and the twelfth section and so much of the 13th section of an act passed the twenty-fourth December, eighteen hundred and twenty-four, entitled an act to alter the time of appointing overseers of roads, as relates to the town of Hazlegreen, in the county of Madison, be, and the same are hereby repealed.

Approved, January 20, 1830.

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AN ACT

To authorize the commissioned officers of the eleventh Regiment of the Alabama militia to fix a regimental muster ground.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be the duty of the commissioned officers of the eleventh regiment of Alabama militia, to assemble at the town of Florence on the first Saturday in May next, between the hours of twelve and three of the said day, and then and there by ballot select a muster ground for their regimental musters, and it shall be the duty of the brigadier General for said brigade to order all future regimental musters to be at said selected place, any law to the contrary notwithstanding.

Approved, January 16, 1830.

Brig, Gen. to  
order muster  
at the place  
selected.

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AN ACT

To divorce certain persons therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in conformity with the decision and decree of the Circuit Court of Baldwin county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between John Fowler and Hannah Fowler, be, and they are hereby made void, and that the said John Fowler, be henceforth divorced for the said Hannah Fowler.

John Fowler  
divorc'd from  
Han'h Fowler

Sec. 2. And be it further enacted, That in conformity with the decision and decree of the Circuit Court of Dallas County, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Hillery Lee

Hillery Lee  
from Sabina  
Lee.





1830.

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----- and Sabina Lee, be, and they are hereby made null and void,  
and that the said Hillery Lee be henceforth divorced from  
the said Sabina Lee.

Eliza Shep- Sec. 3. And be it further enacted, That in conformity with  
ard from Jno the decision and decree of the Circuit Court of Wilcox county  
Shepard. exercising chancery jurisdiction, the bonds of matrimony  
heretofore solemnized and subsisting between Elizabeth Shep-  
ard and John Shepard be, and they are hereby annulled  
and made void, and that the said Elizabeth Shepard be  
henceforth divorced from the said John Shepard.

Jus. H. Roane Sec. 4. And be it further enacted, That in conformity with  
from Anna the decision and decree of the Circuit Court of Morgan  
Roane. county, exercising chancery jurisdiction, the bonds of matri-  
mony heretofore solemnized and subsisting between James  
H. Roane and Anna Roane, be and the same are hereby  
annulled and made wholly void, and that the said James H.  
Roane be henceforth divorced from the said Anna Roane.

Leger Borel Sec. 5. And be it further enacted, That in conformity with  
from Theresa the decision and decree of the Circuit Court of Mobile  
Borel. county, exercising chancery jurisdiction, the bonds of matri-  
mony heretofore solemnized and subsisting between Leger  
Borel and Theresa Borel, of the county of Mobile, be, and the  
same are hereby made null and void, and that the said Leger  
Borel be henceforth divorced from the said Theresa Borel.

Approved, January 20, 1830.

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#### AN ACT

For the relief of Benjamin Hudson and William Alsobrook.

Preamble. Whereas, Elijah Smith, late tax collector of Franklin county,  
was found to be a defaulter to this State to the amount of  
----- dollars and ----- cents, for the taxes due this  
State from the said county; and whereas, on the twenty-second  
day of January, eighteen hundred and twenty-nine, an act  
was passed by the General Assembly of this State, for the  
relief of said Elijah Smith, tax collector as aforesaid, in  
which it is provided that said Smith should enter into bond  
with good security for the payment of the above amount, it  
being a balance of the taxes for said county: and whereas, in  
pursuance of the provisions of the above recited act, the said  
Smith did, on the eleventh day of February, eighteen hundred  
and twenty-nine, enter into bond with Benjamin Hudson and  
William Alsobrook as securities, and afterwards removed  
from this State:

Allowed five Section 1. Be it therefore enacted by the Senate and House  
years to pay of Representatives of the State of Alabama in General Assembly  
the state. convened, That Benjamin Hudson and William Alsobrook be  
allowed five years to pay the above amount to this State by  
Proviso. annual instalments: Provided, they will enter into bond with  
good and sufficient security to be approved of by the Judge  
of the Circuit Court of the county of Franklin: And provided  
further, that nothing in this act contained shall be so con-  
strued as to release said Smith from his liability to said state.

Approved, January 14, 1830.



For the relief of the Warrior Guards.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Warrior Guards of the county of Tuscaloosa be, and they are hereby declared exempt from performing duty at regimental or battalion musters: Provided, they shall muster at least six times during each year.

War Guards  
exempt from  
regimental  
and battalion  
musters.

Sec. 2. And be it further enacted, That the said Warrior Guards are hereby authorized to adopt any bye-laws or constitution for their own government, not repugnant to the laws of this State or the United States,) which shall be obligatory on the members of said company until repealed.

Authoriz'd to  
make consti-  
tution and by-  
laws

Sec. 3. And be it further enacted, That all monies collected by any officer for fines assessed against any member, of said company, shall be paid over to the person authorized by said company to receive the same, and all monies so arising shall belong exclusively to said company, and be entirely under their control.

Money raise  
from fines to  
belong to co

Sec. 4. And be it further enacted, That said company may consist of one hundred members.

Company to  
consist of 100

Sec. 5. And be it further enacted, That the said volunteer company may elect a second lieutenant, in addition to the officers already authorized.

2d Lieut. to  
be elected

Approved, January 14, 1830

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AN ACT

For the relief of Sally Turner, executrix of Charles H. Turner, deceased,

Whereas it appears to the General Assembly that in settling the affairs of Charles H. Turner, late of the county of Montgomery, deceased, his widow and executrix, Sally Turner paid several accounts above twenty dollars each, which were established by the oath of the creditors: Therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the judge of the county court of Montgomery county be, and he is hereby authorized and required to settle the accounts of Sally Turner, executrix of the estate of Charles H. Turner, deceased, on principles of equity and justice

Co'y court of  
Montgomery  
required to  
settle ac'ts of  
Sally Turner  
executrix.

Sec. 2. And be it further enacted, That it shall be the duty of the clerk of the said County Court, to give to the said Sally Turner an exemplification annually, of the records appertaining to, and concerning the estate of the said Charles H. Turner, of which she is executrix, on application from her.

Duty of clerk  
co'ty courts

Sec. 3. And be it further enacted, That it shall be the duty of the judge of the County Court of Montgomery county, to settle with the said Sally Turner the estate of Charles H. Turner, deceased, so far as she may be ready to settle the same.

Co'ty court to  
settle ac'ts of  
S. Turner so  
far as she may  
be ready

Sec. 4. And be it further enacted, That it shall be the duty of the clerk of the said County Court, to render, upon application of the said Sally Turner, an exemplification of the record of said settlements.

Cl'k to ren-  
der exhibit of  
settlement

1830.

76

Sec. 5. And be it further enacted, That the securities of the said Sally Turner, executrix of Charles H. Turner deceased, be and they are hereby relieved and set free from all obligation as securities upon the bond of the said Sally Turner executrix of Charles H. Turner, deceased so soon as she shall have made final settlement with the said County Court of Montgomery county, of said estate according to the provisions of this act.

Approved, January 16, 1830

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AN ACT

For the relief of Henry Sossaman.

Preamble Whereas it has been made apparent to this General Assembly that Henry Sossaman, who was employed to do the carpenter's work upon the State Capitol and bound in a bond with heavy penalties to carry on the same whenever the brick work should be ready; and also to complete the same by the end of the month of September eighteen hundred and twenty eight: And whereas, also, it has been made satisfactorily to appear to this General Assembly that the said Henry Sossaman was delayed in his work by the failure of the brick-layers to carry on and complete the brick work of said building, which delay continued nearly through the subsequent winter, to the great injury of the said Henry Sossaman: for remedy whereof,

Appropriation to Henry Sossaman Section 1. Be it enacted, that the Comptroller be, and he is authorized to issue his warrant upon the Treasurer in favor of said Henry Sossaman for the sum of one thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated which said sum shall be repaid into the treasury out of the seat of government fund.

Approved, January 20, 1830.

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AN ACT

For the relief of Andrew O. Horn, taxcollector for Lawrence county.

Appropriation to A O Horn Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of eighty-one dollars and ninety-one cents , be, and the same is hereby appropriated for the payment of Andrew O. Horn for his insolvent list as taxcollector for Lawrence county in the year eighteen hundred and twenty-six.

Sec. 2. And be it further enacted, That the Comptroller be directed to issue his warrant on the Treasurer in favor of the said Horn for the said sum of eighty-one dollars and ninety-one cents.

Approved, January 13, 1830

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AN ACT

For the relief of William Winlock.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That William Winlock be entitled to all the rights and privileges of citizenship, enjoyed by other citizens of this State; and he is hereby made a competent witness in any court of record in this State, and before any person authorized to administer an oath, in all cases except those in which they are rendered incompetent by some known role of evidence.

Approved, January 20, 1830.



## AN ACT

For the relief of James A. Thompson, taxcollector of Dallas county

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Comptroller of public accounts be, and he is hereby authorized and required to allow to James A. Thompson, tax-collector of Dallas county for the year eighteen hundred and twenty-nine the sum of one hundred and sixty-three dollars thirty-seven and a half cents, being an amount overcharged in the assessment of that county. Approved, December 18, 1829

Comptroller  
to allow J. A.  
Thompson  
\$163 37 1-2

## AN ACT

To alter the name of Lazarus Maddux to that of Leigh Maddux

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the name of Lazarus Maddux, be, and the same is hereby changed to that of Leigh Maddux: Provided, that all responsibilities of the said Lazarus Maddux shall remain in as full and perfect effect against Leigh Maddux, as now exist against Lazarus Maddux, whose christian name is hereby changed from that of Lazarus to that of Leigh. Approved, December 23, 1829.

## AN ACT

To change the name William Tankersley to that of William Parmer.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the name of William Tankersley of Montgomery county be changed to that of William Parmer, and that he be hereafter known and called by the said name of William Parmer. Approved, January 9, 1830.

## AN ACT

To authorize Haynes Crabtree to emancipate certain slaves therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Haynes Crabtree of the county of Montgomery be, and he is hereby authorized to emancipate and free from slavery and bondage his negro slave named Nancy and her two children William and Thomas, saving however the rights of creditors; and upon the express condition that the said Haynes Crabtree shall enter into bond with security in the sum of seven hundred dollars, payable to the judge of the County Court of Montgomery county and to be approved by said judge conditioned that the said slaves shall never become a charge to any county, city, or town in this State: Provided, the rights of creditors shall not be interfered with. Approved, Jan. 15, 1830

JOINT RESOLUTION requiring the offices of the Comptroller and Treasurer to be examined annually.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Comptroller's and Treasurer's offices shall be examined annually, by a joint committee of three members from each branch of the legislature, and the said committee shall report to their respective Houses the condition of said offices, and

whether the said Comptroller and Treasurer have discharged  
their duties strictly according to law.     Approved, Jan. 13, 1830

## JOINT RESOLUTION

Providing for the appointment of a Joint Committee to investigate and examine the proceedings of the Commissioners elected to class and value the lands given to this State for the purposes of Internal Improvement.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That a joint committee of both Houses of the General Assembly of the State of Alabama, be appointed to examine the proceedings of the Commissioners who were appointed by the last General Assembly, to class and value the lands given to this State by the Congress of the United States for the purposes in the act of Congress expressed, and that said committee have full power and authority to send for persons, papers, books and records.

And be it further enacted, That a committee consisting of three members shall be elected by each House of the General Assembly for the purposes, and to perform the duties specified in the foregoing resolution. Approved, November 27, 1829.

## JOINT RESOLUTION

Ratifying the proposed amendments to the Constitution of the State of Alabama, so as to limit the tenure of the Judges' offices to six years.

Whereas, the General Assembly of this State at the last session of the same, duly submitted to the people of the said State, a proposed amendment to the Constitution of the said State, and whereas the people of this State, in the manner and form as provided by the constitution of this State, have accepted the said amendment, which is in the words and figures following:

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the following amendments to the Constitution of the State of Alabama, be proposed to the people of the said State, which when agreed to by a majority of all the citizens of said State, voting for representatives and ratified by two thirds of each house of the next General Assembly, voting by yeas and nays, shall be valid to all intents and purposes whatever, as a part of the construction of the State of Alabama, to wit:

Strike out the thirteenth section of the fifth article, and insert in lieu thereof the following: "The Judges of the several

Judges' term of service Courts of the State shall hold their offices for the term of six years; and for wilful neglect of duty, or other reasonable

How remov'd cause, which shall not be sufficient ground for impeachment the Governor shall remove any of them on the address of two thirds of each house of the General Assembly: Provided

Proviso however, that the cause or causes for which such removal shall be required, shall be stated at length in such address; and entered on the journals of each House: And provided further, That the cause or causes shall be notified the Judge so intended to be removed, and he shall be admitted to a hearing in his own defence, before any vote for such address shall pass; and in all such cases the vote shall be

Further proviso taken by yeas and nays, and entered on the journals of each House respectively: And provided also, that the Judges now



in office may hold their offices until the session of the General Assembly which shall be held in the year one thousand eight hundred and thirty three, and until their successors shall be elected and qualified, unless removed by address or impeachment:"

Therefore, Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, Two thirds of each House concurring, that the aforesaid amendment to the Constitution, proposed as aforesaid, and accepted by the people as aforesaid, be ratified, and that the same from and after the passage of this resolution be and form a part of the Constitution of the State of Alabama.

JOHN GAYLE,

Speaker of the House of Representatives

LEVIN POWELL,

January 16, 1830

President of the Senate

#### ----- JOINT RESOLUTION

Proposing amendments to the Constitution of the State of Alabama so as to have biennial sessions of the General Assembly thereof.

Section 1. Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, (two thirds of each House concurring therein,) That the following amendment to the constitution of the State of Alabama be proposed to the people of said State, which when agreed to by a majority of all the citizens of said State voting for representatives, and ratified by two thirds of each House of the next General Assembly, voting by yeas and nays, shall be valid to all intents and purpose, as part of the constitution of the State of Alabama, to wit— Strike out the second section of the third article, and insert in lieu thereof the following: The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years from the day of the commencement of the general election, and no longer; in the third section of the third article , strike out the word year, where it is in the said section, and insert in lieu thereof the words two years, and it will read thus: The Representatives shall be chosen every two years, on the first Monday in August, until otherwise directed by law; in the twelfth section of the third article , strike out the word three where it occurs in said section and insert in lieu thereof the word four, and it will then read thus: The Senators shall be chosen by the qualified electors for the term of four years, at the same time, and in the same manner, and at the same places where they may vote for members to the House of Representatives; and no person shall be a Senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State for two years next preceding his election , and the last year thereof a citizen of the district for which he may be chosen and shall have attained the age of twenty-seven years; strike out all of section nine, in the third article, and insert in lieu thereof the following , to wit: The General Assembly shall, at

Members  
how chosen  
and term of  
service

Senators how  
chosen  
and term of  
service

Qualification

Enumeration  
when and  
how taken

Apportion  
ment of re-  
presentation

Treasurer &  
Comptroller  
how elected

H. of Reps  
to choose a  
speaker  
Senate to  
choose a pre-  
sident  
To judge &c.  
of contested  
elections

Members of  
Gen. As'bly in  
1831, how  
long to conti-  
nue in office.  
held in eighteen  
Election for  
members  
when held.  
Officers whos  
term of office  
would expire  
in 1832, shall  
continue till  
1833  
and thirty-three,  
Officers whos  
term would  
expire in 1834  
shall expire  
in 1833

their session in the years eighteen hundred and thirty-one  
eighteen hundred and thirty-five, eighteen hundred and thirty-  
nine, and every eight years thereafter, cause an enumeration  
to be made of all the inhabitants of the State, and the whole  
number of Representatives shall, at the first session held after  
making such enumeration, be fixed by the General Assem-  
bly, and apportioned among the several counties, cities and  
towns, entitled to separate representation, according to their  
respective numbers of white inhabitants, and the said appor-  
tionment, when made, shall not be subject to alteration, until  
after the next census shall be taken; the House of Repre-  
sentatives shall not consist of less than sixty , nor more than  
on hundred members, Provided however, that each county  
shall be entitled to at least one Representative; strike out  
the whole of the thirteenth section of the third article; strike  
out the twenty third section of the fourth article and insert  
the following in lieu thereof, to wit: A Treasurer and Comp-  
troller of public accounts shall be elected once in every two  
years by joint vote of both Houses of the General Assembly;  
strike out the fourteenth section of the third article and insert  
the following in lieu thereof, to wit: The House of Represen-  
tatives, when assembled, shall choose a Speaker and its other  
officers; and the Senate shall, when assembled, choose a  
President, and its other officers, and shall not convene oftener  
than once in two years, unless required to do so by the Gov-  
ernor's proclamation; each House shall judge of the elec-  
tions and returns of its own members, but a contested election  
shall be determined in such manner as shall be required by  
law; in the eighth section of the fourth article, strike out the  
word annual, and insert in lieu thereof biennial; in the sev-  
enth section of the sixth article and last word of the section,  
strike out annually, and insert biennially.

Sec. 2. And be it further resolved, That the members of  
the General Assembly, who shall be such at the session held  
in the year eighteen hundred and thirty-one, shall continue in  
office until the election preceding the session which shall be  
held in eighteen hundred and thirty-three; but there shall be  
no session in eighteen hundred and thirty-two , unless the  
members of the General Assembly shall be convened by the  
Governor's proclamation; and the first election for members  
under this proposed amendment shall be held the first Mon-  
day in August, eighteen hundred and thirty-three, unless  
otherwise provided for by law; and all officers whose appoint-  
ments are to be made by the Legislature, and whose term of  
service would expire in eighteen hundred and thirty-two  
shall hold their offices until the session of eighteen hundred  
and until a successor shall be elected and  
qualified; and all officers whose appointments are made as  
aforesaid, and whose term of service would expire in the year  
eighteen hundred and thirty-four, shall expire at the session  
of eighteen hundred and thirty-three, at which a successor

shall be elected and qualified; the Senators chosen at the first election under this amendment, when convened, shall be divided by lot into two classes, as nearly equal as may be; the seats of the Senators of the first class shall be vacated at the expiration of two years from the time of their election, and those of the second class at the expiration of four years, so that one half may be biennially chosen thereafter, and a rotation kept up perpetually; such mode of classifying new additional Senators shall be observed, as will as nearly as possible preserve an equality of members in each class.

Approved, January 14, 1830

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JOINT RESOLUTION

In relation to the Cherokee boundary

Whereas, by the second article of the treaty of Turkey Town with the Cherokee nation, dated the fourth day of October, eighteen hundred and sixteen, the boundary line between the United States and the said Cherokee Nation, was agreed and established to begin on the south side of Tennessee river, at Camp Coffee, opposite to the Chickasaw Island, and to run from that point due south to the dividing ridge between the waters of Tennessee and Tombeckbe rivers; thence eastwardly along said dividing ridge, &c. &c. and, whereas, the line as run by the surveyor appointed for that purpose does not run a due south course from the beginning as required by the said second article, but on the contrary runs considerably west of south, as appears from the fact of its crossing the basis meridian of the Huntsville district, and not running parallel with it as it should have done, by which departure from a due south course, some valuable land is left in the nation, which of right ought to be in the county of Morgan, in the State of Alabama:

Wherefore, Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested to adopt such measures as may be calculated to have said line correctly run, either by application to the President, or Congress, as to them may seem proper.

Approved, January 1, 1830

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JOINT RESOLUTION

To authorize the Building Committee to procure the necessary furniture for the Executive Rooms in the State Capitol.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Building Committee, be, and they are hereby authorized to procure suitable and necessary furniture for the Executive Rooms in the State Capitol, and that the same be paid out of any monies in the treasury not otherwise appropriated: Provided, the amount so to be expended shall not exceed the sum of three hundred and seventy-five dollars.

Approved, December 19, 1829

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JOINT RESOLUTION

Asking the establishment of a Land Office in Bellefonte

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their best endeavors to procure the passage of a law establishing a Land Office in the town of Bellefonte, in Jackson county of this State, at which the sales and disposition of the public lands of said county shall be conducted.

Approved December 29, 1829



## JOINT RESOLUTION

Instructing our Senators and requesting our Representatives in Congress to use their exertions to procure a remission of the duties which may accrue upon the importation of a Library and Apparatus for the University of Alabama.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in the Congress of the United States be instructed, and our Representatives requested to use their best exertions to procure the remission of all such duties as may accrue upon the importation into the United States, of all such books, maps, chemical, philosophical and other apparatus, and objects of natural history, as may be imported by the Trustees of the University of the State of Alabama, for the use and benefit of the said institution.

Resolved further, That the Governor be requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Approved, January 14, 1830

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Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Representatives in Congress be requested and our Senators instructed, to use their best exertions to procure a topographical survey by the Engineer of the United States, of a route for a canal to unite the waters of the Tennessee and Tombeckbe rivers, so far as to ascertain the practicability of such a work.

Approved, January 1, 1830

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Resolved, (with the concurrence of the Senate.) That our Senators in Congress be instructed, and our Representatives requested, to procure by the United State's Engineers, as early as may be, a survey of the proposed canal, between the rivers Amoy and Conasauga, and of the rivers Conasauga and Coosa, and the practicability and probable cost of the work.

Approved, January 13, 1830

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## A JOINT MEMORIAL

To the Congress of the United States praying a postponement of the sales of the public lands in the county of Jackson

The memorial of the Senate and House of Representatives of the State of Alabama in General Assembly convened, respectfully represents, that it is with deep concern they have observed that the President has deemed it proper to bring the public lands lying in the county of Jackson in this State, into market on the third Monday of February next. The period thus selected, they are constrained to believe is peculiarly unfavorable to the interest of the General Government and alike injurious to the interest of the citizens residing in that country. The great pecuniary embarrassment which has been accumulating for the last few years throughout the cotton growing country, has fallen with its full force upon the population of that portion of our State. The abundant crops of the present season, the first for some years, which have promised an adequate return to the planter, have been looked to with cheering hope, for the means of extricating themselves from their difficulties and of securing the possession of their homes. New Orleans, however, affords to them the only market for the disposal of their staple commodity; and when its great distance, and the intervening obstructions to their intercourse are taken into consideration, it is obviously impossible for them to receive their returns in time for the sales in February. The experience of all former years, must place this

fact beyond question. This State is also now bringing into market the lands granted by the General Government for the improvement of the Tennessee and other rivers; and the sales of these lands, lying in the immediate vicinity must, by absorbing a large portion of the circulating medium of the country, add greatly to the existing pecuniary distress. The operation of these combined causes, cannot fail to diminish greatly the number of purchasers, and to afford facilities for the combinations of those harpies, the land speculators, who prey alike upon the government, and upon the honest occupant of the soil. The county of Jackson contains, it is supposed at this time, at least 12,000 inhabitants, many of whom have been compelled to seek an asylum on the public lands from an inability to purchase elsewhere; and their continuance there has been, if not by the permission, at least by the sufferance of the General Government. It is, therefore, confidently believed that they will not be turned shelterless from their cabins, with their wives and helpless children, at an inclement season of the year; at a season too late to effect a new settlement and to make the necessary preparations for the following crop. The considerations which have been urged, it is humbly hoped, will induce Congress to postpone the sales above referred to, until the month of September or October next.

Resolved, therefore, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators be and they are hereby instructed and our Representatives requested to use their best endeavors to obtain, either by application to the President, or by the passage of a law, the objects embraced in this memorial

And be it further resolved, That his Excellency the Governor, transmit one copy of the foregoing memorial and resolution to each of our Senators and Representatives in Congress. Approved, January 1, 1830

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MEMORIAL

Of the General Assembly of the State of Alabama, to the Congress of the United States in relation to forfeited lands within the State, and now advertised for sale by the proclamation of the President.

Your memorialists respectfully represent, that the sale of the forfeited lands in Alabama, as ordered by the President, without making provision for those who occupy and cultivate them, is an act of the government of the United States, more vitally affecting the happiness and prosperity of the citizens of Alabama, than any other measure of government which has been adopted since our existence as a state.

The magnitude and importance of the subject, as it represents the people of Alabama, will engage, it is hoped, the earliest attention of our honorable body; and in behalf of the people we represent, your memorialists submit for your consideration the true condition of our people

In the years 1818, 1819 and 1820, our best lands were sold out by the General Government to the highest bidder, at public auction, on long credits; and from causes well known to your honorable body, competition for Alabama lands was then without a parallel. Sales were made at prices so far above the true value of the lands, or above that value at which they had been estimated by reasonable men, that the people of the surrounding country not engaged in the transactions of the day, attributed to a phrenzy among the bidders. Good lands were then bid off at prices varying from thirty to eighty dollars per acre, when lands of the like quality, equally productive and suitable for cultivation, could be pur-

chased in the neighboring States, for at or about one fourth part of what it was agreed to be paid for them in Alabama, and inferior lands were sold at prices proportionably high. When the sale had terminated purchasers had moved upon their lands, bought provisions for the support of their families, they had not only drained their purses, but many of them found themselves greatly in debt; they then became convinced of their folly, and as their prospects of making future payment at such exorbitant prices were hopeless, all classes of our citizens petitioned your honorable body for relief. The justice of Congress was appealed to, and a relief partial in its operations was granted. Holders of certificates were authorized to relinquish them in payment of other lands; but the relief extended mostly to the large land dealers who after selling all that could be sold, to the cultivators of the soil, were, by the acts of their certificates for relinquishment. This, however, extended no relief to a large class of our useful citizens, whose utmost exertions only enabled them to make payment on perhaps a single tract, at probably from thirty to sixty dollars per acre. Those persons have already, on the first instalment, paid in cash more than the lands are now actually worth, or could be sold for, yet, by the several acts for their relief, they were unable to relinquish and make final payment on any part of their purchase, and the enormous amount at which the lands were first bid off, make it equally impossible with them to pay the remaining instalments due the government. They have, therefore, been compelled to forfeit to the government, not only the lands, but all the improvements made upon them; their houses and fields, their orchards and gardens: all the comforts which years of industrious toil had enabled them to provide for their families are now to be offered for sale to the highest bidder at public auction! whilst the wealthy and large purchasers, have by relinquishing part of their purchases upon other parts, retained for themselves a home

Your memorialists request that your honorable body will examine the attitude in which the government of the United States must present itself to this large and useful class of our citizens.

When the county was invaded from abroad, when the savage had raised the war club over the heads of the defenceless frontier; your councils weakened from apprehension of danger; your rulers trembling for the safety of the nation, and the very walls in which you are now assembled had become the scene of hostile conflagration, these people stepped forward as champions in their country's and the avengers of its wrongs. Aroused by the liveliest feelings of patriotism, they traversed the inhospitable wilderness in search of the prowling savage, or lay in swamps and ditches to guard and protect against the more formidable foe.

No sooner is invasion repelled, our government protected, and peace restored, then the whole scene is changed. Those citizen soldiers so lately relied upon as the bulwark of their country's defence and who had breasted the storm of war, are left by that very government to shift and take care of themselves. With their families they repair to the wilderness, and settle upon lands then so recently acquired by their valor; by their labor they give value to the soil; their habitations are the homes of the traveller; the lands are increased in value by their industry; when the very government for whose protection they but a short time before had made every sacrifice, makes merchandize of their

homes, by exposing them to sale, and then brings them into competition with the wealth and avarice of the country.

In this contest gain is the object and principle, and justice is trampled under foot; and many were driven from their improvements, to renew their toil and give value to more lands again to be taken from them; whilst those who were enabled to bear the contest are forced to give such extravagant prices, that few were able to pay the first instalment on more than a single tract.

The contest proved ruinous to all the parties concerned, and all united in their prayer to the government for relief. Those who purchased largely have been relieved, either by the power given to relinquish part, or having paid the one twentieth and forfeited, are relieved by the issuing stock in their favor, with which they can buy other lands: whilst those who were unable to purchase more than one or two quarter sections, after having paid to government more money than the lands are intrinsically worth, are told in a proclamation, "your homes are again at auction."

What, let it be asked, must be the feelings of our people after such acts of unkindness on the part of their government? This question is submitted to your honorable body. It is no picture of fancy, but a correct chart of the condition and feeling of a large portion of our people which none but a selfish and calculating policy can disregard; a policy which strikes at the root of our government, based, as it professedly is, upon the affections of the people, it cannot long expect to retain that affection, if their feelings and suffering are disregarded, and when it is also known that ours is the only government upon earth, which speculates upon its people in the sale of their homes.

In conclusion, your memorialists ask your honorable body to look for a moment upon the millions of acres of the public lands within the States and then behold in Alabama alone near forty thousand heads of families without even an acre to cultivate, or the means to purchase it. See them driven from place to place, losing their little stock at every move, or if they should think it derogating from the spirit of freemen, to be the tenants of others, see them going upon lands of their government, to make improvements, and as soon as their labour has enhanced the value to the amount of the cost of the land, and long before the poor occupant can raise the sum required in payment, see the lands entered over them, their labor given to others, and they with their families, again driven upon the world's common, to rent or improve land which can never be their own.

Your memorialists have in behalf of the people they represent shewn to your honorable body their true condition. They have paid for their lands their full and fair value, and more than the people of any other State ever paid for the fee simple title to the same quantity of lands. They, therefore, hope and believe, that substantial relief by your honorable body will be given, such relief as is due from a government to its people; a government whose magnanimity in behalf of our red brethren, the Creeks and Cherokees, pays for their improvements, and assigns them a country in the wilderness, with assurance of protection, cannot, will not, take from its own citizens who have paid the full value of their lands, the amount which they have already paid, together with their improvements and cast them with their families upon the world without house or home.



Resolved, therefore, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Executive be requested to cause a copy of the foregoing memorial to be forwarded to the Executives of the several States, holding public lands within their territory, and also a copy to our Senators and Representatives in Congress, with request that they wait upon the President of the United States, and ask a suspension of the sales of forfeited and relinquished lands, within the State, until Congress shall act finally on the subject; and if no measure of permanent relief can be adopted by your honorable body, that the land sales will at least be postponed to a day certain not less than twelve months from the times they are now advertised to take place.

Approved, January 20, 1830

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JOINT MEMORIAL

Of the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Respectfully sheweth to the Congress of the United States, That all that tract of country called East Tennessee, and a part of the States of Virginia North Carolina, and an extensive and valuable country within the State of Georgia, are in a manner deprived of all commerce and communication with the Atlantic States. And further, that the country before mentioned in an agricultural point of view, is amongst the best parts of America, and the climate pleasant and healthy.

Your memorialists further show, that the internal improvement necessary for the prosperity of said country, is a canal which will connect the waters of the Tennessee river with the waters of the Coosa river, which may be done at two points, the one by a canal of nine miles in length, and the other by a canal of twelve miles; and the line of the canal would pass through valley, except a slight hill which separates the waters of said streams; and that the canal probably may be made at an expense not above two hundred thousand dollars, and that one hundred, or one hundred and fifty thousand dollars it is believed, would remove the obstructions to the navigation of the Coosa river.

Your memorialists shew that the States so deeply interested in the success of the canal and navigation of the Coosa river, are unable to appropriate the necessary means and further that the work would be one of a great national character, and that upon invasions, of any points within the State of Alabama and West Florida, and a part of Mississippi State, by any foreign enemy, the men and supplies necessary for defence, must be drawn from the country before described, and that the facilities of the canal and a safe navigation of the Coosa for such purposes must be seen by all, and that the prosperity of the people to be immediately and forever benefited is interwoven with and inseparable from the national character.

The premises and other matters considered, this General Assembly press upon the consideration of Congress the propriety of making a grant to the State of Alabama, of sufficient of the relinquished lands lying in the counties bordering upon the Alabama river to affect the above named objects.

Your memorialists state, great as the intended improvement of the navigation of the Tennessee river will be that to the country before mentioned and to South Alabama, the connexion of the waters of the Tennessee and Coosa rivers would be much more desirable, and in fact that the canal in North Alabama, will have but very little to do with the prosperity of South

Alabama; wherefore your memorialists solicit the honorable the Congress respectfully to consider the vital importance of the measure and to do what in their wisdom they may consider just, and to accept the profound respect and high consideration of your memorialists.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to use their exertions to procure the donation mentioned in the foregoing memorial, and that his Excellency the Governor be requested to forward, as soon as possible, a copy of the foregoing memorial to the President of the Senate of the United States and to the Speaker of the House of Representatives and one to each of our Senators and Representatives in the Congress of the United States. Approved Dec. 29, 1829

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MEMORIAL

To the Congress of the United States to procure the establishment of a Land Office at Monticello in Pike county.

The memorial of the Senate and House of Representatives of the State of Alabama in General Assembly convened, to the Senate and House of Representatives of the United States of America in Congress assembled, respectfully represent, That the public lands of the United States in the counties of Pike, Henry, and Dale in the State of Alabama, situate at a great distance from the present Land Office at Sparta, Alabama, in which land district they are included, whereby great inconveniences, hardships and expenses are experienced and incurred by those wishing to enter said land, in being compelled to travel from one hundred to one hundred and fifty miles, to the aforesaid Land office at Sparta, when on the contrary if an office was established at Monticello, many of the citizens in the aforesaid counties would be but little more than half the distance from that office Your memorialists would further represent, that the establishment of this office would, in a particular degree, benefit those settlers in said counties of Henry and Dale, for the reasons aforesaid. Your memorialists would further represent, that the Indian lands adjacent to the town of Monticello, when purchased and brought into market could be conveniently disposed of at that place. Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Congress of the United States, be, and they are hereby requested to pass a law to establish a Land Office at Monticello, in Pike county, Alabama and that our Senators in Congress be instructed and our Representatives requested to use their best endeavors to procure the passage of said law; and that his Excellency the Governor, be, and he is hereby requested to furnish the President and Vice President of the United States, and each of our Senators and Representatives in Congress with a copy of the above memorial. Approved, January 20, 1830.

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JOINT MEMORIAL

Of the Senate and House of Representatives of the State of Alabama in General Assembly convened, respectfully sheweth:

That , in many counties of this State there yet remain portions of the public lands unsold though the same have been subject to entry for many years. No stronger evidence need be adduced of these lands not being worth the minimum price heretofore established, than the fact of their having remained undisposed of for such a length of time.

Although those lands, in the aggregate would produce only an inconsiderable sum, yet, when added to the sums produced by the sales or rent of the 16th sections, your memorialists believe it might effect the laudable

object of extending the benefits of education to those who otherwise would remain in ignorance, an object to which the grant of the 16th sections has hitherto proved inadequate.

Independent of the establishment and endowment of primary schools strong reasons exist why these lands should not remain in their present situation. The State of Alabama is anxiously looking forward to the time when all the lands within her limits will become the property of individual citizens, and thus enable the authorities of the same to establish a regular and just plan of taxation for the support of its government. These lands produce no revenue to the State, and it is hopeless to presume that they can ever be disposed of at the present minimum price. They interfere much with the collection of the land taxes; as it is almost impossible for the collectors to ascertain what lands are subject to taxation, an objection which must remain so long as there remains any unappropriated lands within this State. If the lands referred to should be granted to the State; it would be competent for the authorities of the same, to affix such prices on the lands as would enable every citizen to become a freeholder.

Your memorialists therefore ask that all the lands, which have, or shall hereafter be subject to entry for the space of two years, may be granted to the State of Alabama for the purpose of establishing and endowing primary schools, in the respective counties of this State, where the said lands may be situate, or in the event that the grant may not be made, that such measures should be adopted by Congress as will favor the speedy entry and settlement of the said lands.

Resolved, That our Senators in Congress be instructed and our Representatives requested to use their endeavors to carry into effect the measures referred to in the foregoing memorial and that the Governor be requested to furnish our delegation in Congress with copies of the same.

Approved, January 1, 1830

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#### JOINT MEMORIAL

Of the Senate and House of Representatives of the State of Alabama to the Congress of the United States , praying indemnity for losses sustained by the depredations of the Creek Indians

To the Hon. the Senate and House of Representatives of the United States of America in Congress assembled.

The General Assembly of the State of Alabama beg leave to present to your respectful consideration the claims of a portion of the citizens of the State, whose interest they have been delegated to watch over and promote for indemnity for losses of property sustained by the depredations of the Creek Indians.

The General Assembly have thought proper to lay before your honorable body, the petition presented to them at the present session , in the precise language of the petitioners, as conveying in more expressive and feeling terms than any which they could substitute, the narration of their losses, and of their sufferings, with a firm reliance that your honorable body will take such measures as in your wisdom and justice may be deemed most suitable for the redress of their grievances.

Copy of a petition to the Senate and House of Representatives of the State of Alabama in General Assembly convened

To the honorable the Senate and House of Representatives of the State of Alabama assembled— The petition of the undersigned citizens, represents that your petitioners emigrated to the Mississippi Territory previous to

the late Indian war, and settled on the waters of the Alabama and Tombeckbe; that in the year 1812 and 1813 a part of the Creek nation of Indians commence and waged hostilities on the population of the country, lying between the Tombeckbe and Alabama, and on that part of the Alabama and Mobile waters, know by the name of the Tensaw; that during the said hostilities on the part of the savages and whilst the population of the country was shut up in forts and block houses, the said creek Indians destroyed and carried off property belonging to the said inhabitants; that the hostilities on the part of the Indians, as has been well shown, was unprovoked by the whites, and that in the moment of peace and a good understanding, a party of the Creek nation of Indians, afterward known as the war party, listening to councils and talks of a celebrated Shawnee chief and prophet and a deputation of Indians from the Lakes, then going through the nation, delivering talks in every town, repairing to Pensacola, (on their way committing depredations) for arms and ammunition, with which they were there amply provided having previous to this departure from their towns declared their intention of extirpating the whole settlements above mentioned, and reiterating the same determination whilst in Pensacola; that after their arrival in their town, they immediately armed and proceeded to war, headed by their prophets, agreeable to the instructions and orders left with them by the said warrior and his deputation of northern savages; that they committed on the settlements unheard of cruelties and a wanton destruction of property belonging to the unoffending inhabitants and which the strength of the settlement before mentioned was not sufficient to restrain or prevent. Your petitioners are aware that many other sections of the United States' territories suffered from the depredations of savage tribes, during the late British war, but they beg permission to suggest to your honorable body, that in material circumstances their case stands alone as regards their claim for remuneration and connects with it facts of a peculiarly aggravating character. On the other frontiers of the United States, the savages joined the foreign enemy, already at war with the United States, being instigated thereto by British gold and British presents. In the case of your petitioners in a moment of peace with the white population of the country and whilst the Indians were without a murmur of disquiet so as to the conduct of the people in the Territory, they, secretly as the nature of the case would admit, prepared for the extermination of the white population. and proceeded evidently with this design and to a most melancholy extent to effect it at fort Mims and other places. Your petitioners beg permission to state to your honorable body, that they had come to this country in a situation sufficiently needy, and whilst suffering the privations incident to the first settlement of a wilderness country, had procured the means of a comfortable existence by pursuing a laudable industry and especially the means of purchasing, from the government of the United States lands for themselves and their offspring. Such was however the extent of the losses which the greater part of your petitioners sustained by the depredations of the Creek Indians that after again recovering so far as to be able to live, they found themselves unable to purchase the lands which they had previously prepared for the profitable cultivation or indeed any other lands; and find themselves now obliged to remain on inferior public lands for the purpose of merely providing a support; in which condition they have been for a considerable time waiting with the sanguine hope,

that the justice and liberality of their country would ultimately procure them a just remuneration for unprovoked aggressions and a wanton destruction of laboriously acquired property. Your petitioners beg permission further to state to your honorable body that in addition to other misfortunes which they have been obliged to feel, that almost unexampled depreciation of the staple of the country, has aided in leaving them in that wretched state of dependence in which they find themselves unable to purchase lands from the United States for cultivation or a home. Your petitioners beg leave to suggest to your honorable body, the right they had to expect that the government of the Union especially established for the protection of every citizen and the "general welfare," and which claims to itself "the regulation of all intercourse with the Indian tribes," would have enforced the strict observance of retributive justice, not only towards the savage tribes but towards its own citizens. Had the citizens of the United States committed hostilities unprovoked on the Indians, remuneration and satisfaction would have been amply and promptly made by the general government, and it would have been justly called for from the party who were the aggressors or in lieu thereof a just punishment inflicted. Your petitioners beg leave to plead that the same observance was due to them and that their property wantonly destroyed or carried off, ought in common justice, to have been restored or remuneration made them by the party who committed the depredations. Had your petitioners, or the population of the country, have been the aggressors, your petitioners would have been silent and submitted without a murmur to an indurance of the same evil that many other sections of our frontiers have suffered and that is viewed as the result of war; but when they know that the Indians were the aggressing party, and instigated the most ungrateful and savage conduct by foreign savages, and unprovoked by the white population of the country, those they had determined to extirpate, and without a previous complaint; your petitioners cannot, but in strict justice view themselves as amply entitled to remuneration for losses undeservedly sustained, through the wanton conduct of the savages. Your petitioners beg leave to add that in the archives of the government of the United States, there is to be found ample proof of the before mentioned facts; and in addition, that on the floor occupied by your honorable body, there can be found gentlemen highly distinguished by their patriotism and public services whose activity and usefulness during the eventful period alluded to, can conclusively establish them. Your petitioners beg permission to remind your honorable body that those Indians who took part with the whites were not only amply rewarded in lands, but received in addition from the general government of the United States, an equitable remuneration for property destroyed or carried off by the war party of the Creek nation and they would most respectfully beg your honorable body to decide whether or not sound policy, laying aside justice and equity, does not determine that the citizens of our country who were more wantonly injured, in the destruction of many wives, mothers, fathers, infants, and friends, as well as the very means of existence to those that survived with all the consequent distress which followed for years are not as fit subjects for the exercise of nation justice and for philanthropy, as the savages. Your petitioners beg leave to recall to the recollection of your honorable body, the high sense of justice and the guardianship due from the government to the rights of its citizens in securing them in the possession of honestly

acquired property exhibited by a neighboring State, where its citizens had suffered from the depredations of the same savages. Inasmuch as your petitioners were so destroyed, in their property by the depredations of the Creek Indians, that they have not been able to recover, they most ardently, but respectfully look to the legitimate guardians of the "public welfare" for that protection and remuneration to which they are entitled by the laws of nature and nations and they sincerely pray the Representatives of the people of the State of Alabama assembled, that they would present to the General Government of the Union a memorial in their behalf spreading before the councils of the nation the justice and equity of their claims, and the grounds which they have for resting assured that the national liberality will not disregard the rightful cause of the citizens, especially when their claims on it are coupled with sheer justice. Resting assured that your honorable body will give to the prayer of your petitioners that attention which it merits, your petitioners, as in duty bound, will ever pray.

The above petition was signed by many subscribers in behalf of themselves and sufferers by Indian depredations

Resolved, That the Governor of this State be requested to forward one copy of this memorial to each of our Senators and Representatives in Congress.

Approved, January 14, 1830

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JOINT MEMORIAL

Requesting a grant of lands by the Congress of the United States for the use of a Female Academy in each county of this State

The Senate and House of Representatives of the State of Alabama in General Assembly convened, respectfully represent to the Congress of the United States, That your memorialists have witnessed with great pleasure the munificence and liberality of your honorable body in the promotion of education, by the grant of sixteenth sections for the use of common schools in every township and of other lands for the advancement of an asylum for an University, and whilst they have been greatly benefited and much pleased with such liberality in the promotion of objects so intimately and essentially interwoven with the moral and political prospects of the country; they respectfully suggest that another subject of equal or superior claims upon your liberality and munificence, has not received the attention due to the importance which properly attaches to it, either from our own citizens or their Representatives in the National Legislature, to wit: to proper and necessary education of the females of this free and happy Republic. Your memorialists beg the indulgence of your honorable body, in remarking that the ornaments of this and every other country, so far as it relates to talents, learning and virtue, test their claims mainly on the early impressions made by mothers. That it seldom happens that impressions derived from this source are calculated to sap the foundation of morality or to injure in the smallest degree, the best interest of society, but on the contrary the education, information and examples drawn from them, exalt and ennoble our character, and constitute the foundation and prop of our most estimable virtues and consequent prosperity in life. Your memorialists derive much pleasure from the reflection that the people of this State have aroused from their lethargy upon this all important subject and are now making exertions to compensate in some measure for their former apathy, by laudable attempts on their part to promote female education. But your memorial-

ists would here remark that common schools are not places at which females can receive more than the first rudiments of education, and the importance of institutions exclusively for the use of female education must be admitted by all. Your memorialists, therefore respectfully request, that your honorable body will grant to the State of Alabama as much as two sections of land for each county in this State, to be selected and sold by the respective counties and to be exclusively applied to the erection and support of an Academy in each county in this State for the education of females. Your memorialists sincerely believe that by the selection of the best unappropriated lands, and prudent management of the same, that no portion of the public land has been heretofore, or will be hereafter, applied in a manner to accomplish more good : Therefore be it resolved, That our Senators be instructed and our Representatives requested to use their best exertions to obtain the object of this memorial, And be it further resolved, That it shall be the duty of the Governor to transmit, as early as may be, a copy of this memorial to each of our Senators and Representatives in Congress and one to the President of the United States.

Approved, January 13, 1830

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ERRATA. – Strike out the thirteenth line of the act to discontinue and establish certain election precincts page 27; And insert of between the words name and Tankersley, page 77.

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DEPARTMENT OF STATE

TUSCALOOSA, FEBRUARY 9, 1830

I have carefully examined the foregoing Acts, Resolutions and Memorials, and find them to be true copies of the original rolls deposited in this Office.

JAMES I. THORNTON, Secretary of State

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